

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1051  
Committee Substitute Favorable 6/30/05  
Third Edition Engrossed 7/11/05**

Short Title: Macon-Jackson Regional Airport Authority.

(Local)

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Sponsors:

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Referred to:

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March 31, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE THE CREATION OF A MACON-JACKSON REGIONAL  
2 AIRPORT AUTHORITY; TO LIMIT OPERATIONS OF SOME FIXED AND  
3 ROTARY WING AIRCRAFT; AND TO CHANGE THE MEMBERSHIP OF THE  
4 JACKSON COUNTY AIRPORT AUTHORITY.  
5

6 The General Assembly of North Carolina enacts:

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

12 **SECTION 2.** The Airport Authority shall consist of not less than five and  
13 not more than nine members. The exact provisions relating to the appointment, terms,  
14 succession, removal, and vacancies of members and other similar matters shall be  
15 jointly determined and adopted by a resolution of the board of county commissioners of  
16 each county.

17 Each member shall take and subscribe before the Clerk of Court of Macon  
18 County or the Clerk of Court of Jackson County, depending on the member's residence,  
19 an oath of office and file that oath with the board of county commissioners of both  
20 counties. Membership on the Airport Authority and the Macon County Board of  
21 Commissioners or the Jackson County Board of Commissioners shall not constitute dual  
22 office holding within the meaning of Section 9 of Article VI of the North Carolina  
23 Constitution.

24 **SECTION 3.** The Airport Authority may adopt suitable bylaws for its  
25 management. The members of the Airport Authority may receive compensation, per  
26 diem, or otherwise as the Macon County Board of Commissioners and the Jackson  
27 County Board of Commissioners from time to time jointly determine. Members shall be  
28 allowed and paid their actual expenses incurred in transacting the business and at the

1 instance of the Airport Authority. Members of the Airport Authority shall not be  
2 personally liable for their acts as members of the Airport Authority, except for acts  
3 resulting from misfeasance or malfeasance.

4 **SECTION 4.(a)** The Airport Authority shall constitute a body, both  
5 corporate and politic, and shall have the following powers and authority:

- 6 (1) To purchase, acquire, establish, construct, own, control, lease, equip,  
7 improve, maintain, operate, and regulate airports and landing fields for  
8 the use of airplanes and other aircraft within the limits of the counties  
9 and for this purpose to purchase, improve, own, hold, lease, or operate  
10 real or personal property. The Airport Authority may exercise these  
11 powers alone or in conjunction with the counties of Macon and  
12 Jackson.
- 13 (2) To sue and be sued in the name of the Airport Authority, to make  
14 contracts and hold any personal property necessary for the exercise of  
15 the powers of the Airport Authority, and acquire by purchase, lease, or  
16 otherwise any existing lease, leasehold right, or other interest in any  
17 existing airport located in the county.
- 18 (3) To charge and collect reasonable and adequate fees and rents for the  
19 use of airport property or for services rendered in the operation of the  
20 airport.
- 21 (4) To make all reasonable rules and regulations it deems necessary for the  
22 proper maintenance, use, operation, and control of the airport,  
23 including public safety, and provide penalties for the violation of these  
24 rules and regulations; provided, the rules and regulations and  
25 schedules of fees not be in conflict with the laws of North Carolina and  
26 the regulations of the Federal Aviation Administration. The Airport  
27 Authority may administer and enforce any airport zoning regulations  
28 adopted by the counties of Macon or Jackson depending on the  
29 location of the airport.
- 30 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General  
31 Statutes.
- 32 (6) To sell, lease, or otherwise dispose of any property, real or personal,  
33 belonging to the Airport Authority, according to the procedures  
34 described in Article 12 of Chapter 160A of the General Statutes, but no  
35 sale of real property shall be made without the approval of the board of  
36 commissioners of the county in which the real property is located.
- 37 (7) To purchase any insurance that the Federal Aviation Administration or  
38 the Airport Authority shall deem necessary. The Airport Authority  
39 shall be responsible for any and all insurance claims or liabilities.
- 40 (8) To deposit or invest and reinvest any of its funds as provided by the  
41 Local Government Finance Act, as it may be amended from time to  
42 time, for the deposit or investment of unit funds.
- 43 (9) To purchase any of its outstanding bonds or notes.

1           (10) To operate, own, lease, control, regulate, or grant to others, for a  
2 period not to exceed 20 years, the right to operate on any airport  
3 premises restaurants, snack bars, vending machines, food and beverage  
4 dispensing outlets, rental car services, catering services, novelty shops,  
5 insurance sales, advertising media, merchandising outlets, motels,  
6 hotels, barbershops, automobile parking and storage facilities,  
7 automobile service establishments, and all other types of facilities as  
8 may be directly or indirectly related to the maintenance and furnishing  
9 to the general public of a complete air terminal installation.

10          (11) To contract with persons, firms, or corporations for terms not to  
11 exceed 20 years, for the operation of airline-scheduled passenger and  
12 freight flights, nonscheduled flights, and any other airplane activities  
13 not inconsistent with the grant agreements under which the airport  
14 property is held.

15          (12) To erect and construct buildings, hangars, shops, and other  
16 improvements and facilities, not inconsistent with or in violation of the  
17 agreements applicable to and the grants under which the real property  
18 of the airport is held; to lease these improvements and facilities for a  
19 term or terms not to exceed 20 years; to borrow money for use in  
20 making and paying for these improvements and facilities, secured by  
21 and on the credit only of the lease agreements in respect to these  
22 improvements and facilities, and to pledge and assign the leases and  
23 lease agreements as security for the authorized loans.

24          (13) Subject to the limitations set out in this act, to have all the same power  
25 and authority granted to cities and counties pursuant to Chapter 63 of  
26 the General Statutes, Aeronautics.

27          (14) To have a corporate seal, which may be altered at will.

28          **SECTION 4.(b)** The Airport Authority shall possess the same exemptions in  
29 respect to payment of taxes and license fees and be eligible for sales and use tax refunds  
30 to the same extent as provided for municipal corporations by the laws of the State of  
31 North Carolina.

32          **SECTION 5.** The Airport Authority may acquire from the counties by  
33 agreement with the counties, and the counties may grant and convey, either by gift or  
34 for such consideration as the county may deem wise, any real or personal property  
35 which it now owns or may hereafter acquire, including nontax monies, and which may  
36 be necessary for the construction, operation, and maintenance of any airport located in  
37 the counties.

38          **SECTION 6.** Any lands acquired, owned, controlled, or occupied by the  
39 Airport Authority shall be, and are declared to be, acquired, owned, controlled, and  
40 occupied for a public purpose.

41          **SECTION 7.** Private property needed by the Airport Authority for any  
42 airport, landing field, or as facilities of an airport or landing field, may be acquired by  
43 gift or devise, or may be acquired by private purchase or by the exercise of eminent  
44 domain pursuant to Chapter 40A of the General Statutes, as a local public condemnor,

1 including the provisions of G.S. 40A-42. If property acquired by gift, devise, purchase,  
2 or condemnation has a burial ground or graveyard, then it shall be lawful for the Airport  
3 Authority, after 30 days' notice to the surviving spouse or next of kin of the deceased  
4 buried there or the person in control of the graves, if they are known, to remove the  
5 interred body and reinter the body in another cemetery in Macon County or Jackson  
6 County. If no surviving spouse or next of kin or person in control can be found, then  
7 the Airport Authority may advertise for four consecutive weeks in a newspaper  
8 published in Macon County and Jackson County of the intended removal of the graves.  
9 The removal shall then be conducted under the supervision of the Clerk of the Superior  
10 Court of Macon County or the Clerk of the Superior Court of Jackson County or his or  
11 her representative. The expense of the removal shall be borne by the Airport Authority.

12 **SECTION 8.** The Airport Authority shall make an annual report to the  
13 Macon County Board of Commissioners and the Jackson County Board of  
14 Commissioners setting forth in detail the operations and transactions conducted by it  
15 pursuant to this act. The Airport Authority shall not have the power to pledge the credit  
16 of Macon County or Jackson County, or any subdivision thereof, or to impose any  
17 obligation on Macon County or Jackson County, or any of its subdivisions, except when  
18 that power is expressly granted by statute.

19 **SECTION 9.** Subject to the limitations as set out in this act, all rights and  
20 powers given and granted to counties or municipalities by general law, which may now  
21 be in effect, or enacted in the future, relating to the development, regulation, and control  
22 of municipal airports and the regulation of aircraft are now concurrently vested in the  
23 Airport Authority. The Macon County Board of Commissioners and the Jackson  
24 County Board of Commissioners may delegate its powers under these acts to the Airport  
25 Authority, and the Airport Authority shall have concurrent rights with Macon County  
26 and Jackson County to control, regulate, and provide for the development of aviation in  
27 Macon County or Jackson County.

28 **SECTION 10.** The Airport Authority may contract with and accept grants  
29 from the Federal Aviation Administration, the State of North Carolina, or any of the  
30 agencies or representatives of either of said governmental bodies relating to the  
31 purchase of land and air easements and to the grading, constructing, equipping,  
32 improving, maintaining, or operating of an airport or its facilities or both.

33 **SECTION 11.** The Airport Authority may employ or contract with any  
34 agents, engineers, attorneys, and other persons whose services may be deemed by the  
35 Airport Authority to be necessary and useful in carrying out the provisions of Sections 1  
36 through 10 of this act.

37 **SECTION 12.** The Macon County Board of Commissioners and the Jackson  
38 County Board of Commissioners may appropriate funds derived from any source  
39 including ad valorem taxes to carry out the provisions of this act in any proportion or  
40 upon any basis as may be determined by the Macon County Board of Commissioners or  
41 the Jackson County Board of Commissioners. The Macon County Board of  
42 Commissioners and the Jackson County Board of Commissioners may provide county  
43 services to the Airport Authority upon any basis as may be determined by the Macon  
44 County Board of Commissioners or the Jackson County Board of Commissioners.

1           **SECTION 13.** The Airport Authority may expend the funds that are  
2 appropriated by the county for joint airport purposes and may pledge the credit of the  
3 Airport Authority to the extent of the appropriated funds.

4           **SECTION 14.** The Airport Authority shall elect from among its members a  
5 chair and other officers at its initial meeting and then biennially thereafter. Officers shall  
6 be eligible to succeed themselves in office and to serve consecutive terms at the will of  
7 the members of the Airport Authority. A majority of the Airport Authority shall control  
8 its decisions. Each member of the Airport Authority, including the chair, shall have one  
9 vote. The Airport Authority shall meet at the places and times designated by the chair.

10          **SECTION 15.** If an airport established pursuant to this act ceases to be  
11 operated by the Airport Authority, or if any property acquired pursuant to this act for  
12 airport purposes is abandoned, then the title to that real or personal property, or rights  
13 under any existing lease, shall revert to and vest in the county in which the property is  
14 located; and on the sale of that property, the proceeds shall vest in the county in which  
15 the property is located.

16          **SECTION 16.** The powers granted to the Airport Authority shall not be  
17 effective until the members of the Airport Authority have been appointed by the Macon  
18 County Board of Commissioners and the Jackson County Board of Commissioners,  
19 acting jointly, and nothing in this act shall require either board of commissioners to  
20 make the initial appointments. It is the intent of this act to enable but not to require the  
21 formation of the Macon-Jackson Regional Airport Authority.

22          **SECTION 17.** Upon the creation of the Macon-Jackson Regional Airport  
23 Authority, either county may elect to dissolve its current county Airport Authority. The  
24 dissolution may be effectuated by a resolution of the board of county commissioners  
25 following a public hearing held on the matter, or by a resolution of the board of county  
26 commissioners ratifying a favorable binding referendum on the question of the  
27 dissolution. The referendum on the dissolution may be held at the same time as any  
28 other state or county primary, election, special election, or referendum.

29          **SECTION 18.** No fixed wing or rotary wing commercial flights may  
30 originate or terminate in Macon County or Jackson County unless they originate or  
31 terminate from an airport approved by the Federal Aviation Authority and operated  
32 pursuant to Chapter 63 of the General Statutes. This section shall not apply to fixed  
33 wing or rotary wing aircraft operated by or at the direction of governmental agencies or  
34 providing medical air services.

35          **SECTION 19.(a)** Section 2 of S.L. 1997-22 reads as rewritten:

36          "Section 2. The Airport Authority shall consist of ~~six~~five members, who shall be  
37 residents of Jackson County and who shall be appointed to staggered terms of six years  
38 by the Jackson County Board of Commissioners. Members may succeed themselves in  
39 office and serve more than one term. Two initial appointments to the Airport Authority  
40 shall be for two years, two initial appointments to the Airport Authority shall be for four  
41 years, and the remaining two initial appointments to the Airport Authority shall be for  
42 six years. When vacancies occur in the membership of the Airport Authority, for any  
43 reason, the remaining members of the Airport Authority shall submit a list of two or  
44 more candidates to the Jackson County Board of Commissioners who shall select one

1 from that list to fill the unexpired term of the vacant office. Each member shall take and  
2 subscribe before the Clerk of Superior Court of Jackson County an oath of office and  
3 file the same with the Jackson County Board of Commissioners. Membership on the  
4 Jackson County Board of Commissioners and the Airport Authority shall not constitute  
5 double office holding within the meaning of Article VI, Section 9 of the Constitution of  
6 North Carolina."

7       **SECTION 19.(b)** The reduction in membership of the Jackson County  
8 Airport Authority in consequence of subsection (a) of this section shall be implemented  
9 by not filling one of the vacancies in existence when this bill becomes law, or if there be  
10 no vacancy, by not filling one seat the next time a vacancy arises.

11       **SECTION 20.** If any one or more sections, clauses, sentences, or parts of  
12 this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate  
13 the remaining provisions thereof, but shall be confined in its operation to the specific  
14 provisions held invalid, and the inapplicability or invalidity of any section, clause,  
15 sentence, or part of this act in one or more instances or circumstances shall not be taken  
16 to affect or prejudice in any way its applicability or validity in any other instance.

17       **SECTION 21.** Sections 1 through 17 of this act shall expire on January 1,  
18 2007, if the Macon County Board of County Commissioners and the Jackson County  
19 Board of County Commissioners have not appointed members of the Macon-Jackson  
20 Regional Airport Authority prior to that date.

21       **SECTION 22.** This act is effective when it becomes law.