

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**HOUSE BILL 1247
RATIFIED BILL**

AN ACT TO ALLOW LIMITED APPOINTMENT OF ELECTED PUBLIC OFFICIALS TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO PROVIDE THAT EMINENT DOMAIN MUST BE AUTHORIZED BY THE AFFECTED APPOINTING AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.4(a1) of S.L. 2012-121, as rewritten by Section 69.1 of S.L. 2012-194, reads as rewritten:

"SECTION 1.4.(a1) Notwithstanding subsection (c) of this section, no person holding any elected public office may be a member of the ~~Authority~~.Authority, unless both of the following conditions are met:

- (1) Each appointing authority listed in subdivision (2) of this subsection may appoint one of its own members to serve as the person holding any elected public office. Otherwise, a person holding any elected public office may not be a member of the Authority.
- (2) At any given time, not more than one person holding any elected public office may serve as an appointee of each of the following: the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County."

SECTION 2. Section 1.4(c) of S.L. 2012-121 reads as rewritten:

"SECTION 1.4.(c) Members of the Authority shall serve four-year terms and may serve up to a total of two successive four-year terms. A member may not be reappointed to the Authority except after a lapse of four years following the most recent term served. In the event a member is appointed to fill an unexpired term, and at least two years of the unexpired term remain to be served, such appointment shall be counted in applying the two-term ~~limit~~,limit; otherwise it shall not be counted. Notwithstanding the foregoing, those individuals serving as ARAA members as of the effective date of this act may continue to serve as members of the Authority until the completion of their respective then current terms and until their successors are appointed and qualified. In the event an ARAA member resigns or is removed, the appointing authority under the agreement between the County of Buncombe and the City of Asheville shall forthwith appoint a replacement ARAA member to complete the unexpired term. Thereafter, and with respect to the four ARAA members whose terms expire June 30, 2012, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority, and the other members shall appoint, by majority vote, the fourth member. With respect to the three ARAA members whose terms expire June 30, 2014, the Asheville City Council, the Board of Commissioners of Buncombe County, and the Board of Commissioners of Henderson County each shall appoint one member of the Authority."

SECTION 3. Section 1.4(d) of S.L. 2012-121 reads as rewritten:

"SECTION 1.4.(d) Any vacancy occurring among the membership of the Authority shall be filled within 60 days after notice thereof by appointment ~~of~~by the appointing authority of a member to serve for the remainder of the unexpired term."

SECTION 4. Section 1.7(c) of S.L. 2012-121 reads as rewritten:

"SECTION 1.7.(c) Private property needed by the Authority for any airport, landing field, or facility may be acquired by the Authority by gift, devise, or private purchase. Aviation easements needed by the Authority for any airport, landing field, or facility may likewise be acquired by gift, devise, or private purchase. Unless the power of eminent domain is required



by federal law or federal regulation, Chapter 40A of the General Statutes does not apply to the Authority, and it may not exercise the power of eminent domain. If a federal law or federal regulation does require the Authority to have the power to exercise eminent domain, it may only do so for public use for an airport purpose or purposes, and any eminent domain proceeding must be authorized ~~jointly by all of the three appointing authorities by the appointing authority affected by such proceeding.~~ In no case, however, may the power of eminent domain be used for purposes not necessary for the operation of the airport, and more specifically no property may be acquired by eminent domain for such uses as hotels, motels, restaurants, or industrial parks. The power of eminent domain may not be used to acquire any interest in the Ferncliff Industrial Park as it existed on June 1, 2011, except for a proven and present aviation need required by a federal agency."

SECTION 5. Section 4 of this act is effective when it becomes law and applies to takings occurring on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of July, 2014.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives