

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 380*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/30/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S380-PCS75382-LB-119

Short Title: Charlotte Douglas Int'l Airport Commission.

(Local)

Sponsors:

Referred to:

March 21, 2013

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT
COMMISSION UNDER THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Charlotte Douglas
International Airport Commission Act."

SECTION 2. S.L. 2013-272 is repealed.

SECTION 3. Chapter 5 of the Charter of the City of Charlotte, being S.L. 2000-26,
is amended by adding a new Article to read:

"ARTICLE III. CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION.

"Section 5.51. **Charlotte Douglas International Airport Commission.**

There is created the Charlotte Douglas International Airport Commission, which shall be an
agency of the City, having the powers, authority, and jurisdiction set out in this Article and
such other and additional powers and authority as shall be conferred upon it by future acts of
the General Assembly.

"Section 5.52. **Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this
Article to the defined words and phrases and their cognates:

- (1) "Airport" means Charlotte Douglas International Airport in Mecklenburg
County.
- (2) "Airport Facilities" means airport facilities of all kinds, including, but not
limited to, landing fields, hangars, fixed-base operations, shops, restaurants
and catering facilities, terminals, buildings, automobile parking facilities,
and all other facilities necessary, beneficial, and/or helpful for the landing,
taking off, operating, servicing, repairing, and parking of aircraft, the
loading, unloading, and handling of cargo and mail, express and freight, and
the accommodation, convenience, and comfort of crews and passengers,
together with related transportation facilities, all necessary, beneficial,
and/or helpful appurtenances, machinery, and equipment, and all lands,
properties, rights, easements, and franchises relating thereto and considered
necessary, beneficial, and/or helpful by the Commission in connection
therewith.
- (3) "Airport Property" means all the real property and improvements thereto
designated as airport property on the Airport Layout Plan or Airport



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1 Development Plan of the Airport conditionally approved by the FAA on
2 February 13, 2013.

3 (4) "Appointing Authorities" means the entities described in Section 5.24 of this
4 Charter who are empowered to appoint members of the Commission and
5 referred to collectively as "Appointing Authorities" and individually as
6 "Appointing Authority."

7 (5) "Commission" means the Charlotte Douglas International Airport
8 Commission created by this Article or, if such Commission is abolished or
9 otherwise ceases to exist, the authority, board, body, commission, or other
10 entity succeeding to the principal functions thereof.

11 (6) "FAA" means the Federal Aviation Administration or any successor agency.

12 (7) "Member" means an individual who is appointed to the Commission, as
13 provided by this Article.

14 (8) "Servants" means accountants, auditors, agents, contractors, design
15 professionals, attorneys, and other persons and entities whose services may
16 from time to time be deemed by the Commission to be necessary, beneficial,
17 or helpful.

18 "Section 5.53. **Membership; Terms.**

19 (a) The Commission shall consist of 13 members appointed as follows:

20 (1) Three registered voters of the City of Charlotte appointed by the Mayor, at
21 least one of whom shall be a resident of the west side of the City of
22 Charlotte.

23 (2) Four registered voters of the City of Charlotte appointed by the Council, at
24 least one of whom shall be a resident of the west side of the City of
25 Charlotte.

26 (3) One registered voter of Mecklenburg County appointed by the Mecklenburg
27 County Board of Commissioners.

28 (4) One registered voter of Cabarrus County appointed by the Cabarrus County
29 Board of Commissioners.

30 (5) One registered voter of Gaston County appointed by the Gaston County
31 Board of Commissioners.

32 (6) One registered voter of Iredell County appointed by the Iredell County
33 Board of Commissioners.

34 (7) One registered voter of Lincoln County appointed by the Lincoln County
35 Board of Commissioners.

36 (8) One registered voter of Union County appointed by the Union County Board
37 of Commissioners.

38 (b) In order to effectuate a seamless start-up of the Commission, and to give the
39 Appointing Authorities time to consider candidates for and to appoint members as provided
40 herein, the initial members of the Commission from the time this act becomes law shall be the
41 members of the Airport Advisory Committee of the City of Charlotte who shall serve only until
42 seven members shall have been appointed by the Appointing Authorities and qualified by
43 taking their oath of office. The powers of the Airport Advisory Committee serving as initial
44 members shall be limited to ministerial acts, and no employment or management contracts shall
45 be awarded or entered into by the initial members, and any such contracts as the initial
46 members shall award or enter into shall not be effective or binding on the members selected by
47 the Appointing Authorities; provided, however, the initial members may take such actions as
48 are appropriate in accordance with Sections 5.59(c)(5) and 5.62 of this Charter. The Appointing
49 Authorities shall appoint initial members no later than October 1, 2013. Members, when
50 practical, shall have experience in aviation, logistics, construction and/or facilities
51 management, law, accounting, and/or finance.

1 (c) No person may be appointed as a member or serve during continuance in office on
2 the Commission who:

3 (1) Is employed by a servant of the Commission as defined in Section 5.52 of
4 this Charter;

5 (2) Is a tenant or employee of a tenant of an airport owned, operated, or
6 controlled by the Commission, or other commercial user or employee of a
7 commercial user of any airport operated by the Commission; or

8 (3) Has been convicted of a felony or a crime of moral turpitude.

9 (d) Members shall serve four-year terms and may serve up to a total of two successive
10 four-year terms. A member who has reached this limit may not be reappointed to the
11 Commission except after a lapse of four years following the most recent term served. In the
12 event a member is appointed to fill an unexpired term, and at least two years of the unexpired
13 term remain to be served, such appointment shall be counted in applying the two-term limit;
14 otherwise, it shall not be counted. In order to ensure that the terms of all members of the
15 Commission do not expire at the same time, the initial terms of the members of the
16 Commission, appointed by the Counties of Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg,
17 and Union, shall be for two years. All initial four-year terms expire December 31, 2017, and all
18 initial two-year terms expire December 31, 2015.

19 (e) Any vacancy occurring among the membership of the Commission shall be filled
20 within 60 days after notice thereof by the appointment of a successor by the Appointing
21 Authority of the previous member. Such successor member shall serve for the remainder of the
22 unexpired term.

23 (f) Members and their successors shall take and subscribe to an oath of office before an
24 officer authorized to administer oaths, which oath shall be filed with the Commission.

25 (g) Any member may be suspended or removed from office by that member's
26 Appointing Authority or a majority vote of the other members for cause affecting that
27 member's duties and responsibilities as a member; for misfeasance, malfeasance, or
28 nonfeasance in office; or for conduct tending to undermine any decisions of the Commission, or
29 for conduct exposing the Commission to liability for damages.

30 (h) Except for malfeasance, members shall not be personally liable, in any manner, for
31 their acts or omissions as members.

32 (i) Each member may continue to serve until a successor has been duly appointed and
33 qualified, but not for more than 60 days beyond the end of the term.

34 "Section 5.54. **Meetings; Reimbursement; Procedures.**

35 (a) The organization and business of the Commission shall be conducted as provided in
36 this Article.

37 (b) Members shall constitute the governing board of the Commission and may, among
38 other things and from time to time, adopt suitable bylaws not inconsistent with the provisions
39 of this act.

40 (c) Each member, including the chair, shall have one vote. A majority of the members
41 in office shall constitute a quorum, and, unless otherwise provided in this act, all actions of the
42 Commission shall be determined by a majority vote of the members present and voting in a
43 duly called meeting at which a quorum is present.

44 (d) The Commission shall hold meetings at least monthly at such times and places as it
45 from time to time may designate and at such other times on the call of the chair or by six
46 members of the Commission; provided, a monthly meeting need not be held if it is determined
47 by the chair or seven members that such meeting is not required.

48 (e) Members may receive payment or reimbursement for travel, lodging, and meal
49 expenses incurred in transacting business on behalf of the Commission. Members may also
50 receive free parking at any airport owned, leased, subleased, or controlled by the Commission,
51 which members may use for official purposes during the respective member's term of office.

1 (f) All meetings and closed sessions of the Commission shall be conducted in
2 accordance with Article 33C of Chapter 143 of the General Statutes as it may be amended or in
3 accordance with any successor statute.

4 "Section 5.55. **Officers and Funds.**

5 (a) The members of the Commission shall elect annually from their membership a
6 chair, vice-chair, and shall elect a secretary and such other officers as they deem appropriate
7 and otherwise provide for the efficient administration of the Commission's affairs; provided,
8 however, the Commission may provide by resolution that the finance officer of the City shall
9 by virtue of that office be also the finance officer of the Commission, and in such case shall
10 serve as such finance officer without additional compensation. All funds of the Commission
11 shall be kept by its treasurer in a separate bank account or accounts from other funds of the City
12 and shall be paid out only in accordance with procedures established by such Commission.
13 Quarterly operating statements of the Commission and an annual audited statement shall be
14 presented to the Council. The Commission shall be deemed a "special district," as defined in
15 G.S. 159-7, for purposes of the Local Government Budget and Fiscal Control Act and shall
16 budget and administer its fiscal affairs according to the provisions of that act applicable to
17 special districts.

18 (b) The fiscal year of the Commission shall begin on July 1 and end on June 30. On or
19 before May 15 of each year, the Commission shall prepare and adopt a proposed budget for
20 the next ensuing fiscal year and deliver copies of such proposed budget to the Cabarrus,
21 Gaston, Iredell, Lincoln, Mecklenburg, and Union County Boards of Commissioners and the
22 Charlotte City Council. In order to effectuate a seamless start-up of operation of the airport by
23 the Commission, the initial budget of the Commission shall be the budget established by the
24 Council for the Airport for the period July 1, 2013, through June 30, 2014, until the initial
25 budget shall be revised by the Commission. The financial affairs of the Commission shall be
26 governed by the Local Government Finance Act. The Commission shall have full control of the
27 budget of the Airport.

28 "Section 5.56. **Powers and Duties.**

29 (a) The Commission shall operate the airport in a proper, efficient, economical, and
30 business-like manner, to the end that it may effectively serve the public needs for which it was
31 established at the least cost and expense to the City. To that end, the Commission shall have the
32 power and authority to do the following:

- 33 (1) Adopt and from time to time revise an official seal.
- 34 (2) Maintain an office or offices at such place or places as it may designate
35 within Mecklenburg County only.
- 36 (3) Exercise on behalf of the City within Mecklenburg County all the powers
37 that the City has concerning airports under Chapter 63 of the General
38 Statutes and any other provision of general law, this charter, or other
39 provision of local act applicable to the City, except as limited by this Article.
- 40 (4) Operate the airport.
- 41 (5) Purchase, acquire, develop, establish, construct, own, control, lease, equip,
42 improve, administer, maintain, operate, and/or regulate airports and/or
43 landing fields for the use of airplanes and other aircraft and all facilities
44 incidental thereto, within the limits of Mecklenburg County; and for any of
45 such purposes, purchase, acquire, own, develop, hold, lease, sublease, and
46 operate real and/or personal property comprising such airports.
- 47 (6) Purchase real and personal property.
- 48 (7) Sue and be sued in the name of the Commission.
- 49 (8) In addition to the powers granted by subdivisions (4) and (5) of this
50 subsection, (i) upon the consent of the governing bodies of such airports, to
51 acquire by purchase or otherwise and to hold lands for the purpose of

- 1 constructing, maintaining, and/or operating existing airports in Cabarrus,
2 Gaston, Iredell, Lincoln, and Union Counties and (ii) upon the consent and
3 agreement of the Boards of County Commissioners of Cabarrus, Gaston,
4 Iredell, Lincoln, and Union Counties, to acquire land and construct, make
5 improvement, extension, enlargement, or equipping of future airport
6 facilities in such counties.
- 7 (9) Charge and collect fees, royalties, rents, and/or other charges, including fuel
8 flowage fees, for the use and/or occupancy by persons of the airports and
9 other property owned, leased, subleased, or controlled by the Commission or
10 for services rendered in the operation thereof.
- 11 (10) Make all reasonable rules and regulations and policies as it may from time to
12 time deem to be necessary, beneficial, or helpful for the proper maintenance,
13 use, occupancy, operation, and/or control of any airport or airport facility
14 owned, leased, subleased, or controlled by the Commission and provide and
15 enforce civil and criminal penalties for the violation of such rules,
16 regulations, and/or policies; provided that such rules, regulations, policies,
17 and penalties are not in conflict with any applicable law, rules, or regulation
18 of the State of North Carolina, the United States, or any agency, department,
19 or subdivision of either of them, including the rules and regulations of the
20 FAA or the Transportation Security Administration.
- 21 (11) With the approval of the City, sell, exchange, lease, sublease, or otherwise
22 dispose of any property, real or personal, belonging to the Commission and
23 not needed by the Commission to operate any airport owned or operated by
24 it or to generate revenues to pay debt obligations of the Commission, or
25 grant easements over, through, under, or across any real property belonging
26 to the Commission, or donate to another governmental entity within North
27 Carolina or to the United States any surplus, obsolete, or unused personal
28 property; provided Article 12 of Chapter 160A of the General Statutes does
29 not apply and is not applicable to any such sale, exchange, lease, sublease,
30 grant, donation, or other disposition.
- 31 (12) Purchase such insurance and insurance coverages as the Commission may
32 from time to time deem to be necessary, beneficial, or helpful.
- 33 (13) Deposit, invest, and/or reinvest any of its funds as provided by the Local
34 Government Finance Act for the deposit or investment of unit funds.
- 35 (14) Operate, own, lease, sublease, control, regulate, and/or grant to others the
36 right to operate on any airport premises owned, operated, or controlled by
37 the Commission, general aviation terminal and fixed-base operations,
38 aircraft deicing equipment and systems, restaurants, snack bars and vending
39 machines, food and beverage dispensing outlets, rental car services, catering
40 services, novelty shops, insurance sales, advertising media, merchandise
41 outlets, motels, hotels, barber shops, automobile parking and storage
42 facilities, automobile service stations, garage service facilities, motion
43 picture shows, personal service establishments, and/or all other types of
44 facilities, activities, and enterprises as may be directly or indirectly related to
45 the maintenance and/or furnishing of public commercial service and/or
46 general aviation airport facilities.
- 47 (15) Accept grants of money and/or materials or property of any kind for any
48 existing or future airport facilities from the State of North Carolina, the
49 United States, or any agency, department, or subdivision of either of them,
50 including the FAA or from any private agency, entity, or individual, upon
51 such terms and conditions as may be imposed, and enter into contracts and

1 grant agreements with the FAA and/or with the State of North Carolina or
2 any of its agencies, departments, or subdivisions, in the capacity of sponsor
3 or cosponsor of any airport development project involving the acquisition,
4 construction, development, reconstruction, improvement, extension,
5 enlargement, or equipping of any existing or future airport facilities.

6 (16) Employ and fix the compensation of an Executive Director, who shall serve
7 at the pleasure of the Commission or pursuant to the terms of an
8 employment contract awarded by the Commission and who shall manage the
9 affairs of the Commission under the supervision of the Commission.

10 (17) Employ, or provide for the employment of such employees by the Executive
11 Director, including law enforcement officers, as the Commission may from
12 time to time deem to be necessary, beneficial, or helpful.

13 (18) Employ, hire, retain, or contract with such servants whose services may from
14 time to time be deemed by the Commission to be necessary, beneficial, or
15 helpful. In order to effectuate a seamless transfer of the Airport from the
16 ownership and operation by the City of Charlotte to the ownership and
17 operation by the Commission, the Commission will honor and be bound by
18 all existing contracts between the City and such servants as presently are
19 engaged to assist the City with respect to the Airport.

20 (b) As provided by general law, it shall be the responsibility of the City as governed by
21 its Council for all issuance of revenue bonds and/or refunding revenue bonds pursuant to the
22 State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General
23 Statutes, all issuance of general obligation debt pursuant to the Local Government Bond Act,
24 Article 4 of Chapter 159 of the General Statutes, and all purchase of any of its outstanding
25 bonds or notes. The Commission shall keep the City Manager and Council promptly apprised
26 of any future need for such actions.

27 "Section 5.57. **Eminent Domain.**

28 The Commission may not exercise any powers of eminent domain. Any eminent domain
29 with respect to acquisition of property for airport purposes shall be exercised by the City.

30 "Section 5.58. **Exemptions; Taxes.**

31 The Commission has the same exemptions with respect to payment of taxes and license fees
32 as provided for the City by the laws of this State. The Commission is not authorized to levy any
33 tax.

34 "Section 5.59. **Funds and Property.**

35 (a) The Commission shall have control, on behalf of the City, of the Airport Property,
36 Airport Facilities, and all other property held or owned by the City of Charlotte with respect to
37 the Airport, real or personal, tangible or intangible, and includes all cash and cash equivalents
38 and checking, investment, and demand deposit bank accounts held by the City pertaining to or
39 generated from revenues of the Airport, including, without limiting the generality hereof,
40 amounts on deposit in or with respect to the Discretionary Fund, the Cannon Fund, the Revenue
41 Fund, the Operating Fund, the Bond Funds, the Debt Service Funds, the Construction Funds,
42 the Capital Projects Funds, Passenger Facility Charges, Contract Facility Charges, and all other
43 funds and accounts of the City with respect to the Airport. This Article does not impair the
44 City's obligations to servants and employees of the Commission and bondholders of the City's
45 General Airport Revenue Bonds, and including, without limiting the generality hereof, the
46 obligations under the Revenue Bond Order adopted November 18, 1985, and all Series
47 Resolutions issued under the Bond Order, the Special Facility Bond Order adopted May 11,
48 1987, and all Series Resolutions adopted under the Special Facility Bond Order, and the
49 Taxable Special Facility Revenue Bonds (Consolidated Car Rental Facilities Project) Series
50 2011 General Trust Indenture and the Series Indenture, Number 1, both dated November 1,
51 2011, and all agreements and understandings with respect to trustee(s) or paying agent(s) of the

1 City's airport revenue bonds, letters of credit, or other credit facilities of the City with respect to
2 airport revenue bonds, and all leases, licenses, options to purchase, and other encumbrances on
3 the Airport Property and Airport Facilities, whether or not those encumbrances are recorded.
4 Any such payments shall be made by the City through the Commission under the terms of such
5 contracts first with funds under the jurisdiction of the Commission. This act does not affect the
6 title of any property. If the property was titled to the City of Charlotte prior to enactment of this
7 Article, that title remains with the City.

8 (b) The Commission acts on behalf of the City with respect to all rights, duties, and
9 obligations of the City in any commercial or development agreements pertaining to or related to
10 the Airport Property and Airport Facilities that are in effect at the time of the transfer, and any
11 commercial agreements, development agreements, and other contracts of the City pertaining to
12 or related to the Airport Property and Airport Facilities that are in effect on enactment of this
13 Article remain in effect.

14 (c) The Commission, on behalf of the City, shall:

- 15 (1) Honor and be bound by all pending or executory land or real property
16 purchase contracts by the City with respect to property and lands to be
17 acquired for and in connection with the Airport.
- 18 (2) Honor and be bound by all existing rules and regulations of the Aviation
19 Department of the City of Charlotte with respect to the Airport, including the
20 Airport Security Plan, until such rules and regulations shall be amended by
21 the Commission in accordance with the provisions of this Article.
- 22 (3) Honor and be bound by all existing contracts of the City with third-party
23 concessionaires and management contractors with respect to the Airport.
- 24 (4) Honor and be bound by all existing contracts and grant agreements of the
25 City with respect to the Airport.
- 26 (5) Be deemed as a matter of law to have appointed as its initial Executive
27 Director the Aviation Director of the City of Charlotte as of February 14,
28 2013, with initial compensation and benefits of the initial Executive Director
29 being the same compensation and benefits as were being received from the
30 City of Charlotte on February 14, 2013, and the initial Executive Director
31 shall be entitled as a matter of law to the continuation of the rights and
32 benefits extended to him or her under the existing retirement system of the
33 City.
- 34 (6) Be deemed as a matter of law to have adopted initially the employment and
35 human resources policies of the Commission, such policies of the City as
36 they applied to employees of the Airport on the effective date of this Article,
37 and the Commission shall be deemed to have adopted the current employee
38 handbook of the City applicable to the Airport until the Commission adopts
39 different policies or a different employee handbook.

40 "Section 5.60. **Assistance by City.**

41 Upon the request of the Executive Director of the Commission, the City shall continue to
42 provide such services to the Commission as it currently provides to the Airport Department and
43 shall receive as compensation therefor from the Commission such amount as is appropriate for
44 such services as provided by OMB Circular A-87 until the Commission shall direct the City to
45 terminate such services.

46 "Section 5.61. **Employees.**

47 (a) The employees assigned to the City's Aviation Department or under the direction of
48 the Aviation Director as of the date of enactment of this Article are administratively assigned to
49 the Commission and shall be employed in accordance with this Article as provided by Section
50 5.56 of this Charter and compensated by the Commission (the "Airport Employees").

1 (b) Following the time this bill becomes law, the Airport Employees shall continue to
2 receive, until provided otherwise by the Commission through the adoption of new personnel
3 policies as provided by this Article, all employment benefits currently available to the Airport
4 Employees, including, but not limited to, health care benefits, retirement benefits, disability
5 insurance, life insurance, and accrued time off or leave, and the Commission shall promptly
6 reimburse the City the costs of providing such benefits.

7 "Section 5.61A. **Annual Reports.**

8 The Commission shall make annual reports to the Cabarrus, Gaston, Iredell, Lincoln,
9 Mecklenburg, and Union County Boards of Commissioners and the Council setting forth a
10 summary of its general operations and transactions conducted by it pursuant to this Article.

11 "Section 5.62. **Statutory Construction.**

12 The powers of the Commission created by this Article shall be construed liberally in favor
13 of the Commission. No listing of powers included in this Article is intended to be exclusive or
14 restrictive, and the specific mention of, or failure to mention, particular powers in this act shall
15 not be construed as limiting in any way the general powers of the Commission as stated in
16 Section 5.56 of this Charter. It is the intent of this Article to grant the Commission full power
17 and right to exercise all authority necessary for the effective operation and conduct of the
18 Commission. It is further intended that the Commission should have all implied powers
19 necessary or incidental to carrying out the expressed powers and the expressed purposes for
20 which the Commission is created. The fact that this Article specifically states that the
21 Commission possesses a certain power does not mean that the Commission must exercise such
22 power unless this Article specifically so requires.

23 "Section 5.63. **Initial Guidance.**

24 In its initial decisions, the Commission shall consider the consultant recommendations
25 made to the City in 2013 concerning governance of the Airport."

26 **SECTION 4.(a)** There is created as an agency of the City of Charlotte the
27 Charlotte Douglas International Airport Oversight Committee (Committee), which shall consist
28 of five members appointed as follows:

- 29 (1) One by the Governor.
- 30 (2) One by the President Pro Tempore of the Senate.
- 31 (3) One by the Speaker of the House of Representatives.
- 32 (4) One by the Mayor of the City of Charlotte.
- 33 (5) One by the City Council of the City of Charlotte.

34 **SECTION 4.(b)** The Committee shall monitor the actions of the Charlotte Douglas
35 International Airport Commission (Commission) established by this act and make regular
36 reports and recommendations, if needed (including, but not limited to, an interim report in June
37 of 2014 and a final report in June of 2015) to the Mayor and City Council on the following
38 points:

- 39 (1) Whether the Charlotte Douglas International Airport (Airport) continues to
40 be one of the best performing and lowest cost major hub airports.
- 41 (2) Whether that Airport finances are completely separate from those of the
42 State or of any local government.
- 43 (3) Whether the Airport contracts and pays for only the services it needs and
44 uses, including services from the State or from any local government.
- 45 (4) Whether the Airport continues to have a compensation system that enables it
46 to attract and retain top talent.
- 47 (5) Whether the operations of the Commission comply with the provisions of
48 this act.

49 **SECTION 4.(c)** The initial meeting of the Committee shall be called by the
50 mayoral appointee or by any three members. A quorum is three members. The Committee may
51 adopt other rules of procedure that do not conflict with State law.

1 **SECTION 4.(d)** This section expires and the Committee terminates July 1, 2015.

2 **SECTION 5.** If any provision of this act or its application is held invalid, the
3 invalidity does not affect other provisions or applications of this act that can be given effect
4 without the invalid provisions or application, and to this end the provisions of this act are
5 severable.

6 **SECTION 6.** This act is effective when it becomes law.