

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 206

A1

H206-AMH-35 [v.5]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

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Amends Title [NO]
Fourth Edition

Date July 2, 2019

Senator J. Alexander

1 moves to amend the bill on page 2, line 35, through page 4, line 7, by rewriting those lines to
2 read:

3 **"NEUSE BUFFER RULES/AIRPORT FACILITIES**

4 **SECTION 3.(a)** Definition. – As used in this section, the term "Neuse River Basin
5 Airport Rules" means all of the following:

6 (1) The Neuse River Basin: Nutrient Sensitive Waters Management Strategy:
7 Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B
8 .0233, including the proposed readoption and recodification as 15A NCAC
9 02B .0714 adopted by the Environmental Management Commission on March
10 14, 2019 and approved by the Rules Review Commission on May 16, 2019.

11 (2) The definition of "Airport Facilities" in 15A NCAC 2B .0610 adopted by the
12 Environmental Management Commission on March 14, 2019 and approved
13 by the Rules Review Commission on May 16, 2019.

14 **SECTION 3.(b)** Neuse River Basin Airport Rules. – Until the effective date of the
15 revised permanent rules that the Environmental Management Commission is
16 required to adopt pursuant to subsection (d) of this section, the Commission
17 and the Department of Environmental Quality shall implement the Neuse
18 River Basin Airport Rules as provided in subsection (c) of this section.

19 **SECTION 3.(c)** Implementation. – The definition of "Airport Facilities" shall be as
20 follows:

21 All properties, facilities, buildings, structures, and activities that satisfy or otherwise
22 fall within the scope of one or more of the definitions or uses of the words or phrases "air
23 navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition
24 of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in
25 G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97;
26 and the phrase "airport facilities and improvements" as used in Section 13 of Article V of the
27 North Carolina Constitution. Airport facilities shall include, without limitation, any and all of the
28 following:

- 29 1. The airport and all of its terminals and terminal shops and support buildings.
- 30 2. Runways, taxiways, clear zones, and other paved or unpaved areas, or open or
31 restricted landing areas on the airport.
- 32 3. Airport offices and administrative buildings.



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- 1 4. Buildings, structures, equipment, and facilities intended to support aircraft
2 operations, including, without limitation, hangars and other aircraft
3 maintenance buildings, storage buildings or areas, and including, without
4 limitation, anything shown on any airport development plan submitted to the
5 Federal Aviation Administration.
- 6 5. Navigational and signal systems, including any structures, mechanisms,
7 landing lighting and lights, beacons, marks, communicating systems, or other
8 instrumentalities or devices used or useful as an aid, or constituting an
9 advantage or convenience to the safe taking off, navigation, and landing of
10 aircraft, or the safe and efficient operation or maintenance of an airport or
11 restricted landing area.
- 12 6. Parking owned or operated by the airport to serve the airport's operations,
13 whether located on the airport or as satellite parking.
- 14 7. Drainage ditches or pipes, stormwater structures, and related stormwater
15 outfalls.
- 16 8. Retail and commercial development outside of the terminal area but located
17 on the airport, including rental car facilities, hotels, industrial facilities,
18 freestanding offices and other similar buildings constructed on the airport,
19 whether or not owned or operated by the airport.
- 20 9. All appurtenant areas used or suitable for airport buildings or other airport
21 facilities, including all appurtenant rights-of-way.
- 22 10. Easements through, or other interests in, airspace over land or water, interests
23 in airport hazards outside the boundaries of the airport or restricted landing
24 area, and other protection privileges, the acquisition or control of which is
25 necessary to ensure safe approaches to the landing areas of the airport and
26 restricted landing areas and the safe and efficient operation thereof.
- 27 11. Any combination of any or all of such properties, facilities, buildings,
28 structures, activities, and easements.

29 **SECTION 3.(d)** Additional Rule-Making Authority. – The Commission shall adopt
30 rules to amend the Neuse River Basin Airport Rules (as defined in subsection (a) of this section)
31 consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules
32 adopted by the Commission, pursuant to this section, shall be substantively identical to the
33 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject
34 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this
35 section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written
36 objections had been received as provided by G.S. 150B-21.3(b2).

37 **SECTION 3.(e)** Sunset. – This section expires when permanent rules adopted as
38 required by subsection (d) of this section become effective."


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SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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