

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 411
HOUSE BILL 437

AN ACT AUTHORIZING THE CITY OF SOUTHPORT, THE TOWN OF BOILING SPRINGS LAKE, THE TOWN OF LONG BEACH, AND BRUNSWICK COUNTY TO ESTABLISH AN AIRPORT COMMISSION, WHICH COMMISSION SHALL BE VESTED WITH THE POWER OF EMINENT DOMAIN AND THE POWER TO ISSUE BONDS OR OTHER SECURITIES OR OBLIGATIONS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE ACQUISITION OF LANDS, CONSTRUCTION AND OPERATION OF SAID AIRPORT FACILITY TOGETHER WITH ALL POWERS AS SET OUT IN CHAPTER 63 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a board to be known as the Airport Commission of Southport, Boiling Springs Lake, Long Beach, and Brunswick County and which board is hereby constituted a body politic and corporate. The said board shall be comprised of seven members, all of whom shall be experienced businessmen with no qualifications as to residence. The membership of said board shall be named as provided for in Chapter 63 of the General Statutes of North Carolina. The members of said board shall receive no compensation, per diem or otherwise, but shall be allowed and paid actual expenses incurred in the transaction of business and at the instance of the said Commission. In the event that either the Aldermen of the City of Southport, the Commissioners of the Town of Boiling Springs Lake, the Commissioners of the Town of Long Beach, or the Brunswick County Commissioners do not deem it advisable or any one or two of said municipal bodies do not enter into an agreement to set up said Airport Commission as provided for under Chapter 63 of the General Statutes of North Carolina, then in such event the municipality or county desiring to create such a commission may do so having all powers herein conferred with the right and privilege of calling such commission in the name of the particular municipality and/or county government.

Sec. 2. Said Airport Commission shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

(1) To sue and be sued in the name of said Airport Commission; to acquire by purchase and condemnation, and to hold lands for the purpose of constructing, maintaining or operating the airport facilities hereinafter referred to; and make such contracts and to hold such personal property as may be necessary for the exercise of the powers of said Airport Commission.

(2) To issue bonds and/or other securities or obligations for the purpose of providing funds for such acquisition of lands, construction, maintenance and/or operating the said airport facilities, said bonds, if and when issued, shall be denoted "Airport Commission Bonds of Southport, Boiling Springs Lake, Long Beach, and Brunswick County" and shall be issued in such form and denominations and shall mature at such time or times not exceeding fifty (50) years after their date and shall bear such rate of interest not exceeding six per cent (6%) per annum payable either annually or semi-annually as the Airport Commission may determine; provided, however, that neither the Airport Commission Board, nor the individual members thereof, shall have authority to pledge the credit of or contract for or on behalf of any of the governmental units participating in the establishment of an Airport Commission under this Act. The bonds shall be signed by the Chairman of said Airport Commission Board and the corporate seal affixed or impressed on each bond and attested by the secretary to said Board. The coupons to be attached to said bond shall bear the facsimile signature of the Chairman officiating at the time of issuance of said bond. Such bonds and/or notes issued for the purpose or purposes above set out may be sold at private sale for not less than par to any U. S. Governmental agency with the approval of the Board of Aldermen of Southport, the Board of Commissioners of Boiling Springs Lake, the Board of Commissioners of the Town of Long Beach, and the Board of County Commissioners of Brunswick County jointly, but if such private sale is not made to a U. S. Governmental agency, then the sale shall be made under the provisions of the Municipal Finance Act of the State with the approval of the local government board and commission.

Bonds and notes issued under this Act shall be exempt from all State, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income, nor shall said bonds or notes, or coupons of said bonds, be subject to taxation when constituting part of the surplus of any bank, trust company or other corporation.

(3) Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders of the bonds, as to:

(A) Pledging any and all revenue received by the Airport Commission in the operation of said airport facilities after operational costs.

(B) The rates of any charges by said Commission for the use of the facilities of said Commission and the use and disposition of such revenues.

(C) The setting aside of reserve and sinking funds and the rate and disposition thereof.

(D) Limitations on the purposes to which the proceeds of sale of any issue of bonds to be issued may be applied.

(E) Limitations on the issuance of additional bonds, and

(F) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which the consent may be given.

(4) To do all things necessary or convenient to carry out all powers expressly given in this Act.

Sec. 3. That it is hereby declared to be the policy of the State of North Carolina to promote, encourage and develop air transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor air transportation, and that Southport, Boiling Springs Lake, Long Beach, and Brunswick County, individually or jointly, are hereby declared to be an area which should be developed in connection with the interior of the State of North Carolina and other states, and that it is hereby declared and deemed by the State of North Carolina necessary and desirable and in the public interest of the entire State that there shall be established air transportation facilities in areas of Southport, Boiling Springs Lake, Long Beach, and Brunswick County in accordance with the provisions of the Acts of Congress in the United States and the laws of North Carolina. The said Airport Commission shall be regarded as performing an essential governmental function in undertaking the construction, maintenance, and operation of the said facilities and in carrying out the provisions of this Act in relation thereof, and shall be required to pay no taxes or assessment upon any of the properties acquired or used by it for such purposes.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1961.