

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 808
HOUSE BILL 1121

AN ACT TO AMEND ARTICLE V OF THE CONSTITUTION OF NORTH CAROLINA TO PERMIT THE GENERAL ASSEMBLY TO GRANT TO APPROPRIATE PUBLIC BODIES IN THE STATE ADDITIONAL POWERS TO DEVELOP NEW AND EXISTING SEAPORTS AND AIRPORTS, INCLUDING POWERS TO FINANCE AND REFINANCE FOR PUBLIC AND PRIVATE PARTIES SEAPORT AND AIRPORT AND RELATED FACILITIES AND IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. A new section is hereby added to Article V of the Constitution of North Carolina to read as follows:

"Sec. 11. Seaport and Airport Facilities. (1) The General Assembly may enact laws to grant, in addition to the powers heretofore granted by law which are hereby confirmed, to appropriate public bodies in the State all powers useful in connection with the development to the fullest possible extent of new and existing seaports and airports throughout the State and, where the same will contribute directly to the utilization of seaports and airports within the State or outside the State, and for such purpose to authorize such public bodies:

- (i) to acquire, construct, own, own jointly with public and private parties, lease as lessee, mortgage, sell, lease as lessor, or otherwise dispose of lands and facilities and improvements, including undivided interests therein,
- (ii) to finance and to refinance for public and private parties seaport and airport facilities and improvements, and commercial, industrial, manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements which develop or further waterborne or airborne commerce and cargo and passenger traffic, and
- (iii) to secure any such financing or refinancing by all or any portion of their revenues, income or assets or other available monies and by foreclosable liens on their properties but in no event to create a debt secured by a pledge of the faith and credit of the State or any other public body in the State.

(2) The General Assembly may provide in respect of seaport, airport or related properties of the State or a State agency that private parties using such properties make to the appropriate taxing authorities payments in lieu of the taxes which such private parties would have paid if such properties were not exempt from taxation."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next general election, statewide primary election, or at the next statewide election, whichever is earlier, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

"[] FOR Constitutional amendment to permit the General Assembly to grant to appropriate public bodies additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related commercial, industrial,

manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements.

- [] AGAINST Constitutional amendment to permit the General Assembly to grant to appropriate public bodies additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related commercial, industrial, manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements."

Those qualified voters favoring the amendment set out in Section 1 of this act shall vote by making an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 3. If a majority of votes cast thereon are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of his office, and the amendment shall become effective upon such certification.

Sec. 4. Neither the ratification by the voters nor the failure of the voters to ratify the amendment set out in Section 1 of this act shall be construed as in derogation of any powers previously conferred by other laws.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1981.