

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 887
SENATE BILL 568

AN ACT TO AMEND, SUBJECT TO THE APPROVAL OF THE ELECTORATE, ARTICLE V OF THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS TO FINANCE AND REFINANCE HIGHER EDUCATION FACILITIES OWNED BY NONPROFIT CORPORATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article V of the Constitution of North Carolina is hereby amended by adding a new section, to read as follows:

"Sec. 11. Higher Education Facilities. Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State or any State entity to issue revenue bonds to finance and refinance the cost of acquiring, constructing, and financing higher education facilities to be operated to serve and benefit the public for any nonprofit private corporation, regardless of any church or religious relationship; provided, no cost incurred earlier than five years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from any revenues or assets of any such nonprofit private corporation pledged therefor, shall not be secured by a pledge of the full faith and credit of the State or such State entity or deemed to create an indebtedness requiring voter approval of the State or such entity, and, where the title to such facilities is vested in the State or any State entity, may be secured by an agreement which may provide for the conveyance of title to, with or without consideration, such facilities to the nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto."

Sec. 2. The amendment set forth in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide primary election or statewide general election or the next statewide election, whichever is earlier, which shall be conducted under the laws then governing elections in the State. At said 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 enact general laws to authorize the State, or any State entity to issue revenue bonds to finance or refinance the cost of acquiring, constructing and financing higher education facilities for any nonprofit private corporation, regardless of any church or religious relationship, such bonds to be payable from any revenues or assets of any such nonprofit private corporation pledged therefor."

"AGAINST constitutional amendment to permit the General Assembly to enact general laws to authorize the State, or any State entity to issue revenue bonds to finance or refinance the cost of acquiring, constructing and financing higher education facilities for any nonprofit private corporation, regardless of any church or religious relationship, such bonds to be payable from any revenues or assets of any such nonprofit private corporation pledged therefor." Those qualified voters favoring the amendment shall vote by making an "X" or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to the 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, 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. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1981.