

## § 63A-2. Definitions.

The following definitions apply in this Chapter:

- (1) Aircraft. – A contrivance that is used or designed for flight.
- (2) Airport project. – Any of the following that is part of or is used in connection with a cargo airport or a facility at a cargo airport complex site and is not a special user project:
  - a. Land, equipment, or buildings or other structures, whether located on one or more sites.
  - b. The addition to or the rehabilitation, improvement, renovation, or enlargement of any property described in subpart a.

The term includes infrastructure improvements, such as improvements to railroad facilities, roads, bridges, and water, sewer, or electric utilities even if not located on a cargo airport complex site. An airport project may include a facility leased to one or more entities under a true lease.
- (3) Authority. – The North Carolina Global TransPark Authority.
- (4) Board. – The Board of Directors of the Authority.
- (5) Bonds. – The revenue bonds or other interest bearing obligations authorized to be issued by the Authority under this Chapter.
- (6) Cargo airport. – Any area of land or water that is designed for the landing and takeoff of aircraft, any appurtenant area used or suitable for airport buildings or other airport facilities, and any appurtenant right-of-way. In addition to facilities for the transportation of cargo by aircraft, a cargo airport may contain facilities to shelter, service, or repair aircraft and facilities to discharge and receive passengers.
- (7) Cargo airport complex. – A cargo airport and all other facilities, including private facilities, related to the cargo airport that are located within the cargo airport complex site.
- (8) Cargo airport complex site. – The area designated by the Authority as the location of a cargo airport complex. An area may not be so designated by the Authority unless all or a substantial portion of the land on which the cargo airport is located or is to be located is or shall be owned by the Authority or is or shall be controlled by the Authority pursuant to lease, joint operating agreement, or other contractual arrangements.
- (9) Costs. – The capital cost of a project, including:
  - a. The costs of doing any or all of the following:
    1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping.
    2. Reconstructing, remodeling, altering, renovating, replacing, refurbishing, and reequipping.
    3. Enlarging, expanding, and extending.
    4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.
  - b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the project.
  - c. The costs of demolishing or moving structures from land acquired and acquiring land to which the structures are to be moved.

- d. Financing charges, including estimated interest during the acquisition or construction of a project and for one year thereafter.
  - e. The costs of services to provide plans, specifications, studies, reports, surveys, and estimates of costs and revenues.
  - f. The costs of paying any interim financing, including principal, interest and premium, related to the acquisition or construction of the project.
  - g. Administrative and legal expenses and administrative charges.
  - h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities, and interest-rate agreements, and of establishing and maintaining debt service and other reserves.
  - i. Any other services, costs, and expenses necessary or incidental to the project.
- (10) Credit facility. – An agreement with a banking institution, an insurance institution, an investment institution, or other financial institution located inside or outside the United States of America that provides for prompt payment, whether at maturity, presentment, or tender for purchase, redemption, or acceleration, of part or all of the principal or purchase price, redemption premium, if any, and interest on a bond or note issued by the Authority and for repayment of the institution.
- (11) Financing agreement. – A written instrument establishing the rights and responsibilities of the Authority and the operator concerning a special user project financed by the issuance of bonds. A financing agreement may be a lease, a lease and lease-back, a sale and lease-back, a lease purchase, an installment sale and purchase agreement, a conditional sales agreement, a secured or unsecured loan agreement, or other similar contract, and may involve property in addition to the property financed with the bonds.
- (12) Local Government Commission. – The Local Government Commission of the Department of State Treasurer, established by Article 2 of Chapter 159 of the General Statutes.
- (13) Notes. – Revenue notes or revenue bond anticipation notes issued by the Authority under this Chapter.
- (14) Obligor. – A person, including an operator, who has entered into a financing or other agreement obligating the person to make payments to the Authority or to holders of bonds issued to finance a special user project.
- (15) Operator. – The person entitled to the use or occupancy of a special user project.
- (16) Par formula. – A provision or formula to make periodic adjustments in the interest rate of a bond or note, including:
- a. A provision for an adjustment to keep the purchase price of the bond or note in the open market as close to par as possible.
  - b. A provision for an adjustment based on one or more percentages of a prime rate or base rate that may vary or apply for specified periods of time.
  - c. Any other provision that does not materially and adversely affect the financial position of the Authority and the marketing of the bonds or notes at a reasonable interest cost to the Authority.

- (17) Person. – Any person, corporation, partnership, association, trust, or other legal entity.
- (18) Project. – An airport project or a special user project.
- (19) Revenues. – For a special user project, the term means rents, fees, charges, payments, proceeds, or other income or profit derived from the special user project or from the financing agreement or security document for the special user project. For an airport project, the term means rents, fees, charges, payments, proceeds, or other income or profit derived from the airport project or from any pledge of nontax revenues, appropriation, or payment made by the State or a county in which the cargo airport is located.
- (20) Security document. – One or more written instruments establishing the rights and responsibilities of the Authority and the holders of bonds issued to finance a special user project. A security document may provide for, or be in the form of an agreement with, a trustee for the benefit of the bondholders. A security document may contain an assignment, pledge, mortgage, or other encumbrance of part or all of the Authority's interest in, or right to receive revenues from, a special user project or any other property provided by the operator or other obligor under a financing agreement. A financing agreement and a security document may be combined as one instrument.
- (21) Special user project. – Any land, equipment, or buildings or other structures located on one or more sites within a cargo airport complex site and the addition to or the rehabilitation, improvement, renovation, or enlargement of a structure located within a cargo airport complex site when the property is to be used as or in connection with any of the following:
  - a. An undertaking for industry, including an industrial or a manufacturing factory, mill, assembly plant, or fabricating plant, a freight terminal, an industrial research, development, or laboratory facility, or an industrial processing or distribution facility for industrial or manufactured products.
  - b. A commercial, processing, mining, transportation, distribution, storage, marine, aviation, or environmental facility or improvement.
  - c. Any combination of items mentioned in subparts a. and b.A special user project, during its economic life, is to be principally used by one or more for-profit entities other than as lessee under a true lease. A special user project may include all appurtenances and incidental facilities such as land, a headquarters or office facility, warehouses, distribution centers, access roads, sidewalks, utilities, railway sidings, trucking and similar facilities, parking facilities, waterways, docks, wharves, and other improvements necessary or convenient for the construction, maintenance, and operation of any structure.
- (22) True lease. – A lease that has a fair market value rental and is not treated as a financing lease or installment sale for federal tax law purposes. (1991, c. 749, s. 1; 1991 (Reg. Sess., 1992), c. 900, s. 108(a); 1993 (Reg. Sess., 1994), c. 777, s. 4(c).)