

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 933
HOUSE BILL 306

AN ACT TO AMEND ARTICLE V OF THE CONSTITUTION OF NORTH CAROLINA TO PERMIT THE GENERAL ASSEMBLY TO GRANT TO THE STATE AND OTHER 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. 12. Seaport and airport facilities.

- (1) Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to grant to the State, counties, municipalities, and other State and local governmental entities all powers useful in connection with the development of new and existing seaports and airports, and to authorize such public bodies:
 - (a) 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;
 - (b) to finance and refinance for public and private parties seaport and airport facilities and improvements which relate to, develop or further waterborne or airborne commerce and cargo and passenger traffic, including commercial, industrial, manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements; and
 - (c) to secure any such financing or refinancing by all or any portion of their revenues, income or assets or other available monies associated with any of their seaport or airport facilities and with the facilities and improvements to be financed or refinanced, and by foreclosable liens on all or any part of their properties associated with any of their seaport or airport facilities and with the facilities and improvements to be financed or refinanced,

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."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 1986, 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 assist in the development of new and existing seaports and airports without creating a debt secured by the faith and credit of the State or any other public body by permitting the General Assembly to grant to the State and other 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 related commercial, industrial, manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements.

@ AGAINST Constitutional amendment to assist in the development of new and existing seaports and airports without creating a debt secured by the faith and credit of the State or any other public body by permitting the General Assembly to grant to the State and other 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 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 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. Section 1 of Chapter 795, 1985 Session Laws, is amended by rewriting G.S. 159-83(c)(3) to read as follows:

"(3) To secure any such financing or refinancing by all or any portion of its revenues, income or assets or other available monies associated with any of its seaport or airport facilities and with the facilities and improvements to be financed or refinanced, and by foreclosable liens on all or any part of its properties associated with any of its seaport or airport facilities and with the facilities and improvements to be financed or refinanced, but in no event to create a debt secured by a pledge of its faith and credit."

Sec. 5. Chapter 795, 1985 Session Laws, is amended by deleting Section 4.1 and by deleting the first sentence of Section 5.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1986.