

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 263
HOUSE BILL 609

AN ACT AMENDING CHAPTER 814, SESSION LAWS OF 1969, RELATING TO
THE ESTABLISHMENT AND POWERS OF THE BURLINGTON-ALAMANCE
AIRPORT AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 814, Session Laws of 1969 be, and the same is hereby, amended as follows:

(a) That there is hereby added a new subsection (1-b) to Section 4 of said Act, said subsection (1-b) to read as follows:

"(1-b) To purchase real or personal property and to issue bonds, installment, demand, or other type notes in payment of part or all of the purchase price therefor, and to secure the payment of any such bonds or notes by purchase money mortgages, deeds of trust, or conditional sales contracts upon the property so purchased. All such security instruments shall expressly limit and confine the liability of the Airport Authority to the real or personal property so purchased constituting the collateral security in such mortgage, deed of trust, or conditional sale contract."

(b) That Subsection (5) of Section 4 of said Act be, and the same is hereby, amended to read as follows:

"(5) To issue bonds, notes, or other securities for the purpose of providing funds for the acquisition, construction, reconstruction, improvement, betterment, or extension of airport facilities of the Airport Authority, or for the acquisition of property for such facilities. The Airport Authority is hereby further authorized to issue revenue refunding bonds, notes, or other securities for the purpose of refunding any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act or the Revenue Bond Act of 1938, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors of the Airport Authority, to provide for the issuance of its revenue refunding bonds, notes, or other securities for the combined purpose of refunding any bonds, notes or other securities then outstanding which shall have been issued by the Authority under the provisions of this Act or the Revenue Bond Act and financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The

issuance of such bonds, notes, or other securities, the maturities and other details thereof, and the rights, duties, and obligations of the Airport Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. Such bonds, notes, or other securities shall be issued in such form and denomination, shall mature at such time or times not exceeding 50 years from their date or dates, may be redeemable at such price or prices and under such terms and conditions, and shall bear interest at such rate or rates, payable annually or semiannually, as the Board of Directors may determine by resolution. The Board of Directors shall also determine by resolution the form and manner of execution of any such bonds, notes, or other securities, including any interest coupons attached thereto; provided, however, that at least one manual signature must appear on every bond, note, or other security which signature may be the manual signature of the representative of the Local Government Commission to the certificate of the Commission on such bond, note, or other security.

No bonds, notes, or other securities issued by the Airport Authority under provisions of this Act shall be obligations of the County of Alamance or City of Burlington.

The sale of any such bonds, notes, or other securities shall be made by and with the approval of the Local Government Commission. The Board of Commissioners for the County of Alamance shall not be required to approve any such sale.

Upon the request of the Board of Directors, any such bonds, notes, or other securities may be sold by the Local Government Commission in exchange for real property; provided, however, that the value of any such real property to be acquired by the Airport Authority shall have been either judicially determined or determined by at least two certified appraisals approved by the Board of Commissioners for the County of Alamance and the City Council of the City of Burlington prior to such exchange and that the exchange shall have been approved by the Local Government Commission.

Upon the filing with the Local Government Commission of a resolution of the Board of Directors requesting that its bonds, notes, or securities issued pursuant to this Act be sold at private sale and without advertisement and upon the approval of such request by said Commission, such bonds, notes, or securities may be sold by said Commission at private sale and without advertisement to any purchaser or purchasers thereof, such sale to be for the price as said Commission shall determine to be for the best interests of the Airport Authority and as shall be approved by the Board of Directors.

The Airport Authority is hereby authorized and empowered to pledge to the payment of the principal of and the interest on any bonds, notes, or other securities all or any part of the revenues, rents, income, and tolls arising out of the use of or in connection with any airport property or any specific part of the airport property. Such bonds, notes, or other securities shall be issued upon such terms, covenants, and conditions as the Board of Directors may determine by resolution.

Bonds, notes, or other securities issued by the Airport Authority 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 such bonds, notes, or other securities shall not be subject to taxation as income."

(c) That there is hereby added a new subsection (5-a) to Section 4 of said Act, said subsection (5-a) to read as follows:

"(5-a). The Airport Authority is hereby declared to be a 'municipality' within the meaning of the Revenue Bond Act of 1938 having the power to issue revenue bonds for airport purposes under and pursuant to the provisions thereof. In addition to the power conferred upon the Airport Authority by the Revenue Bond Act to issue revenue refunding bonds for the purposes set forth in said Act, the Airport Authority is hereby authorized to issue revenue refunding bonds under the Revenue Bond Act for the purpose of refunding any revenue bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, including the payment of any redemption premium thereon and any interest accrued or to be accrued to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors, to provide for the issuance of revenue refunding bonds under the Revenue Bond Act for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, and (b) financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The issuance of any such revenue refunding bonds by the Airport Authority under the provisions of the Revenue Bond Act shall be governed by the provisions of the Revenue Bond Act insofar as the same may be applicable. The powers contained in the Revenue Bond Act and hereby conferred on the Airport Authority shall be deemed to be in addition to and not in substitution for the powers conferred on the Airport Authority by this Act so that the Airport Authority may, at its option, proceed under the Revenue Bond Act without regard to any restrictions or limitations imposed by this Act or proceed under this Act without regard to any restrictions or limitations imposed by the Revenue Bond Act."

(d) That Section 13 of said Act be, and the same hereby is, amended to read as follows:

"Sec. 13. The said board shall have authority to deal with the Federal Aviation Administration of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman, a vice-chairman, a secretary, and a treasurer. The said board shall meet at such places and time as the chairman shall designate."

Sec. 2. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1971.