

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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HOUSE BILL 813\*

Senate Capital Expenditures & Improvements Committee Substitute Adopted 5/11/93  
Third Edition Engrossed 6/22/93

Short Title: New Hanover/Dare Airports.

(Local)

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Sponsors:

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Referred to: Finance.

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April 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE POWERS OF THE NEW HANOVER COUNTY  
2 AIRPORT AUTHORITY, AND RELATING TO THE DARE COUNTY AIRPORT  
3 AUTHORITY.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 4 of Chapter 404 of the 1989 Session Laws, as amended  
7 by Chapter 748 of the 1989 Session Laws, reads as rewritten:

8 "Sec. 4. Said Airport Authority shall constitute a body, both corporate and politic,  
9 and may:

- 10 (1) Purchase, acquire, establish, construct, own, control, lease, equip,  
11 improve, maintain, operate, and regulate the New Hanover County  
12 International Airport for the use of airplanes, and other aircraft, and all  
13 facilities incidental to the operation of such airport, within the limits of  
14 New Hanover County; and for any of such purposes, to purchase,  
15 acquire, own, hold, lease and/or operate real or personal property;
- 16 (2) Purchase real or personal property;
- 17 (3) Sue or be sued in the name of the Airport Authority, make contracts  
18 necessary for the exercise of the powers of the Airport Authority, and  
19 acquire by purchase, lease, or otherwise, any existing lease, leasehold  
20 right or other interest in any existing airport located in New Hanover  
21 County;

- 1 (4) Charge and collect reasonable and adequate fees, royalties, rents or  
2 other charges for the use of the property owned, leased or otherwise  
3 controlled or operated by said Airport Authority or for services  
4 rendered in the operation thereof;
- 5 (5) Make all reasonable rules and regulations as it deems necessary for the  
6 proper maintenance, use, operation, and control of any airport or  
7 airport facilities owned, leased, or otherwise controlled by said Airport  
8 Authority; to provide penalties for the violation of such rules and  
9 regulations; provided said rules and regulations and penalties be not in  
10 conflict with the laws of the State of North Carolina and the rules and  
11 regulations of the Federal Aviation Administration;
- 12 (6) Sell, lease, or otherwise dispose of, any property, real or personal,  
13 belonging to the Airport Authority, but no sale of real property shall be  
14 made without the approval of the Board of County Commissioners of  
15 New Hanover County and the Federal Aviation Administration;
- 16 (7) Purchase such insurance as said Airport Authority shall deem  
17 necessary;
- 18 (8) Deposit or invest and reinvest any of its funds as provided by the Local  
19 Government Finance Act, as it may be amended from time to time, for  
20 the deposit or investment of unit funds;
- 21 (9) Operate, own, lease, control, regulate, or grant to others the right to  
22 operate on any airport premises, restaurants, snack bars, and vending  
23 machines, food and beverage dispensing outlets, rental car services,  
24 catering services, novelty shops, insurance sales, advertising media,  
25 merchandising outlets, motels, hotels, barber shops, automobile  
26 parking and storage facilities, automobile service stations, garage  
27 service facilities, motion pictures, personal service establishments and  
28 all other types of facilities as may be directly or indirectly related to  
29 the maintenance and furnishing to the general public of a complete air  
30 terminal installation;
- 31 (10) Possess the same exemptions in respect to payment of taxes and  
32 license fees and be eligible for sales and use tax refunds to the same  
33 extent as provided for municipal corporations by the laws of the State  
34 of North Carolina;
- 35 (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the  
36 General Statutes of North Carolina;
- 37 (12) Have all the same power and authority granted to cities and counties  
38 pursuant to General Statutes Chapter 63, AERONAUTICS;
- 39 (13) Have a corporate seal which may be altered at ~~will~~-will; and
- 40 (14) Engage, on an airport, in commercial, industrial and manufacturing  
41 projects which relate to, develop, or further airborne commerce and  
42 cargo and passenger traffic, and, in connection with any project,  
43 improve real estate on an airport and lease that improved real estate to

1                    public or private commercial and industrial enterprises, or contract  
2                    with others to do so."

3                    Sec. 2. Section 2 of Chapter 503 of the 1971 Session Laws, as amended by  
4 Chapter 161 of the 1977 Session Laws, reads as rewritten:

5                    "Sec. 2. The Airport Authority shall consist of nine members who shall be  
6 appointed to staggered terms of four years by the Dare County Board of  
7 Commissioners. Any member may be removed without cause by the affirmative vote of  
8 five members of the Board of Commissioners after written notice to the member that the  
9 member's removal will be considered by the Board of Commissioners. The written  
10 notice shall be provided to the member at least 15 days before the Board of  
11 Commissioners may remove the member. All of the members shall be residents of the  
12 County of Dare. Each of the members and their successors so appointed shall take and  
13 subscribe to an oath of office before the Clerk of the Superior Court of Dare County and  
14 file same with the County Commissioners of Dare County. Upon the occurrence of any  
15 vacancy on said Authority, said vacancy shall be filled within sixty (60) days after  
16 notice thereof at a regular meeting of the Board of County Commissioners."

17                    Sec. 3. Section 12 of Chapter 503 of the 1971 Session Laws reads as  
18 rewritten:

19                    "Section 12. The said Airport Authority is hereby authorized to employ such agents,  
20 engineers, and attorneys and other persons whose services may be deemed by the  
21 Airport Authority to be necessary or useful in carrying out the provisions of this act.  
22 ~~Members of the Dare Airport Authority shall not be personally liable in any manner, for their~~  
23 ~~acts as members of the Airport Authority, except for misfeasance or malfeasance."~~

24                    Sec. 4. This act is effective upon ratification.