



HOUSE BILL 1037: Lincolnton Airport/Davie Cor. Cent.

2016-2017 General Assembly

Committee:		Date:	June 6, 2016
Introduced by:	Rep. Saine	Prepared by:	Erika Churchill
Analysis of:	Third Edition		Committee Co-Counsel

SUMMARY: *House Bill 1037 would amend the length of time for which the Lincolnton-Lincoln County Airport Authority may contract for lease of property and would make a technical correction to the session laws related to the Airport Authority and would direct the State of North Carolina to convey the former Davie County Correctional Center property to the Davie County Board of Commissioners.*

CURRENT LAW & BILL ANALYSIS:

Section 1. Lincolnton Airport. – In 1977, the General Assembly authorized the creation of the City of Lincolnton-County of Lincoln Airport Authority. According to the Airport Authority, an airport was opened in 1986.

In 1996, without repealing the 1977 session law, the General Assembly created the Lincolnton-Lincoln County Airport Authority (the "Airport Authority"). The Airport Authority consists of seven members, three appointed to staggered three-year terms by the Lincolnton City Council, three appointed to staggered three-year terms by the Lincoln County Board of Commissioners, and one appointed by the other six members of the Airport Authority. The members appointed by the Lincolnton City Council must be qualified voters of the City of Lincolnton, and the members appointed by the Lincoln County Board of Commissioners and the Airport Authority must be qualified voters of the County of Lincoln.

Via the 1996 Session, the Airport Authority received certain powers and authorities that include:

- Establishing, maintaining, and operating airports and landing fields for the use of airplanes and other aircraft within the limits of Lincoln County.
- To sue and be sued, and make contracts, in the name of the Airport Authority.
- Charging and collecting reasonable and adequate fees and rents for the use of airport property.
- Making reasonable rules and regulations for the proper maintenance, use, operation, and control of the airport.
- Issuing bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
- Selling, leasing, or otherwise disposing of any real or personal property belonging to the Airport Authority, in accordance the General Statutes and with the approval of the Lincoln County Board of Commissioners and the Lincolnton City Council.
- Purchasing any insurance that the Federal Aviation Administration or the Airport Authority deems necessary.
- Investing funds as provided by the Local Government Finance Act.
- Purchase any of its outstanding bonds or notes.

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Director



H 1037 - S M S T - 1 9 2 E 3 - V - 2

Legislative Analysis
Division
919-733-2578

House Bill 1037

Page 2

- Operating, owning, leasing, or granting to others, for a period not to exceed 25 years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service establishments, and all other types of facilities related to the airport.
- Contracting, for terms not to exceed 25 years, for the operation of airline-scheduled passenger and freight flights, nonscheduled flights, and any other airplane activities.
- Constructing buildings, hangars, shops, and other improvements and facilities, and lease those improvements and facilities for a term or terms not to exceed 25 years.
- Subject to the limitations of S.L. 1996es-10, to have all the same power and authority granted to cities and counties under Chapter 63 of the General Statutes, Aeronautics.
- To have a corporate seal, which may be altered at will.

House Bill 1037 would amend the powers and duties of the Airport Authority to permit that body to enter into certain contracts for a period of up to 50 years, rather than the current authorization for up to 25 years, and repeal the 1977 session law that is no longer in active use governing the Airport Authority.

Section 2. Davie Correctional Center. – Article 7 of Chapter 146 of the General Statutes governs disposition of State property. It requires that sales of lands owned by the State must be made by the Department of Administration, and approved by the Governor and Council of State. Article 16 of Chapter 146 establishes the form of conveyances of State property, and in G.S. 146-74 requires proposed conveyances to be submitted to the Governor and Council of State for approval.

House Bill 1037, effective October 1, 2016, would do all of the following:

- Requires the State to convey the Davie County Board of Commissioners, for \$1.00, the former Davie County Correctional Center property in Mocksville.
- The property consists of approximately 23.62 acres.
- The property would be conveyed to the Davie County Board of Commissioners for so long as it is utilized for county government purposes, otherwise, it would revert to the State.
- The property is conveyed "as is".
- The conveyance is exempt from Article 7 of Chapter 146 of the General Statutes.
- The conveyance must comply with the provisions of Article 16 of Chapter 146 of the General Statutes, except for G.S. 146-74.

EFFECTIVE DATE: Except as noted, effective when it becomes law.