

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1398

Short Title: RDU Construction Bid Exemptions.

(Local)

Sponsors: Senators Gulley; and Lucas.

Referred to: State Government, Local Government, and Personnel.

May 27, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS
3 PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF
4 THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE
5 AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE
6 DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER
7 PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF
8 THE GENERAL STATUTES.

9 The General Assembly of North Carolina enacts:

10 Section 1. Subsection (f) of Section 7 of Chapter 168 of the Public-Local
11 Laws of 1939, as rewritten in Chapter 1096 of the 1955 Session Laws, is further amended
12 by adding a new subdivision to read:

13 "(1) Special User Projects. To contract with persons, firms, or corporations
14 for terms not to exceed 40 years for special user projects as defined and
15 described in this subdivision.

16 Special user projects are projects that are undertaken for the use and
17 benefit of one or more private entities who will lease the facilities from
18 the Authority upon terms and conditions that will make the private
19 entities solely responsible for the repayment of all notes, bonds, debts,

1 or other costs incurred in the financing, acquisition, development, or
2 construction of the project.

3 A special user project shall include all of the following:

- 4 a. The acquisition of real property and equipment, the development
5 of land belonging to the Authority, the construction of buildings
6 or other structures on a site or sites located on the property of the
7 Authority, or the addition to or the improvement, rehabilitation,
8 renovation, or enlargement of a site or a structure located on the
9 property of the Authority.
- 10 b. The issuance of the Authority's special facility revenue bonds or
11 other debt instruments by the Local Government Commission,
12 the proceeds of which shall be used to pay the costs of the special
13 user project and which bonds or other debt instruments shall be
14 repayable solely from the Authority's rents, fees, charges,
15 payments, or other revenues from the special user project or from
16 the funds, collateral, and undertakings of private parties that are
17 either assigned or pledged by those parties.
- 18 c. The use of the property acquired, developed, or constructed shall
19 be limited to airline, aircraft, aviation support, air passenger, air
20 cargo, aircraft maintenance and repair, or other transportation,
21 distribution, or other airport related purposes, but may include
22 appurtenances and incidental facilities such as roads, driveways,
23 sidewalks, parking facilities, utilities, warehouses, loading
24 facilities, administrative and other office facilities, and other
25 improvements necessary or convenient for the operation of any
26 of these facilities.

27 Notwithstanding any other provision of law, the Authority may
28 agree that all contracts relating to the acquisition, design, construction,
29 installation, or equipping of the special user project shall be solicited,
30 negotiated, awarded, and executed by the private parties for which the
31 Authority is financing the special user project or any agents of the
32 private parties subject only to approval by the Authority, as the
33 Authority may require. The Authority may, out of the proceeds of
34 bonds or other debt instruments, make advances to or reimburse the
35 private parties or their agents for all or a portion of the costs incurred in
36 connection with the contracts. For all purposes related to special user
37 projects and contracts related to special user projects, the Authority shall
38 be exempt from the requirements of Article 8 of Chapter 143 of the
39 General Statutes."

40 Section 2. This act is effective when it becomes law.