

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 283

Short Title: Clarify DOT/State Ports Relationship. (Public)

Sponsors: Representative Davis (Primary Sponsor).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Transportation.

March 13, 2013

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN THE DEPARTMENT OF  
TRANSPORTATION AND THE NORTH CAROLINA STATE PORTS AUTHORITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-260(a) reads as rewritten:

"(a) The North Carolina State Ports Authority is hereby created within the Department of Transportation and shall be ~~subject to and under the direct~~ administered under the direction and supervision of the Secretary of Transportation, but shall exercise all its prescribed statutory powers independently of the Secretary. It shall be governed by a board composed of nine members and hereby designated as the Authority. Effective July 1, 1983, it shall be governed by a board composed of 11 members and hereby designated as the Authority. The General Assembly suggests and recommends that no person be appointed to the Authority who is domiciled in the district of the North Carolina House of Representatives or the North Carolina Senate in which a State port is located. Members of the North Carolina Board of Transportation may be appointed to the Authority. The Governor shall appoint seven members to the Authority, and the General Assembly shall appoint two members of the Authority. Effective July 1, 1983, the Authority shall consist of seven persons appointed by the Governor, and four persons appointed by the General Assembly. Effective July 1, 2011, the Governor shall appoint six members to the Authority, in addition to the Secretary of Transportation, who shall serve as a voting member of the Authority by virtue of his office. The Secretary of Transportation shall fill the first vacancy occurring after July 1, 2011, in a position on the Authority over which the Governor has appointive power."

**SECTION 2.** The intent of this act is to clarify the Type II transfer of the North Carolina State Ports Authority from the Department of Commerce to the Department of Transportation that was performed in Section 14.6 of S.L. 2011-145. Pursuant to the definition of a "Type II transfer" under G.S. 143A-6(b) and G.S. 136-260(a), as amended by this act, the Secretary of Transportation shall not arrogate the statutory authorities and duties provided to the Board of the State Ports Authority in Article 20 of Chapter 136 of the General Statutes or elsewhere in State law.

**SECTION 3.** This act is effective when it becomes law.



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