

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 160\*

Short Title: Port User on Ports Board.

(Public)

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Sponsors: Representatives McComas; Capps, Smith, and Davis.

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Referred to: State Government.

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February 13, 1997

A BILL TO BE ENTITLED

1  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS  
3 STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE  
4 BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE  
5 AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE  
6 PORTS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143B-452 reads as rewritten:

9 "§ 143B-452. **Creation of Authority – membership; appointment, terms and**  
10 **vacancies; officers; meetings and quorum; compensation.**

11 The North Carolina State Ports Authority is hereby created. It shall be governed by a  
12 board composed of nine members and hereby designated as the Authority. Effective July  
13 1, 1983, it shall be governed by a board composed of 11 members and hereby designated  
14 as the Authority. The General Assembly suggests and recommends that no person be  
15 appointed to the Authority who is domiciled in the district of the North Carolina House of  
16 Representatives or the North Carolina Senate in which a State port is located. The  
17 Governor shall appoint seven members to the Authority, and the General Assembly shall  
18 appoint two members of the Authority. Effective July 1, 1983, the Authority shall consist  
19 of seven persons appointed by the Governor, and four persons appointed by the General  
20 Assembly. Effective July 1, 1989, the Governor shall appoint six members to the

1 Authority, in addition to the Secretary of Commerce, who shall serve as a voting member  
2 of the Authority by virtue of his office. The Secretary of Commerce shall fill the first  
3 vacancy occurring after July 1, 1989, in a position on the Authority over which the  
4 Governor has appointive power.

5 The initial appointments by the Governor shall be made on or after March 8, 1977,  
6 two terms to expire July 1, 1979; two terms to expire July 1, 1981; and three terms to  
7 expire July 1, 1983. Thereafter, at the expiration of each stipulated term of office all  
8 appointments made by the Governor shall be for a term of six years.

9 To stagger further the terms of members:

- 10 (1) Of the members appointed by the Governor to replace the members  
11 whose terms expire on July 1, 1991, one member shall be appointed to a  
12 term of five years, to expire on June 30, 1996; the other member shall  
13 be appointed for a term of six years, to expire on June 30, 1997;
- 14 (2) Of the members appointed by the Governor to replace the members  
15 whose terms expire on July 1, 1993, one member shall be appointed to a  
16 term of five years, to expire on June 30, 1998; the other member shall  
17 be appointed to a term of six years, to expire on June 30, 1999;
- 18 (3) Of those members appointed by the Governor to replace the members  
19 whose terms expire on July 1, 1995, one member shall be appointed to a  
20 term of five years, to expire on June 30, 2000; the other member shall  
21 be appointed to a term of six years, to expire on June 30, 2001.

22 Thereafter, at the expiration of each stipulated term of office all appointments made by  
23 the governor shall be for a term of six years.

24 The members of the Authority appointed by the Governor shall be selected from the  
25 State-at-large and insofar as practicable shall represent each section of the State in all of  
26 the business, agriculture, and industrial interests of the State. At least one member  
27 appointed by the Governor shall be affiliated with a major exporter or importer currently  
28 using the State Ports. Any vacancy occurring in the membership of the Authority  
29 appointed by the Governor shall be filled by the Governor for the unexpired term. The  
30 Governor may remove a member appointed by the Governor only for reasons provided  
31 by G.S. 143B-13.

32 The General Assembly shall appoint two persons to serve terms expiring June 30,  
33 1983. The General Assembly shall appoint four persons to serve terms beginning July 1,  
34 1983, to serve until June 30, 1985, and successors shall serve for two-year terms. Of the  
35 two appointments to be made in 1982, one shall be made upon the recommendation of the  
36 Speaker, and one shall be made upon the recommendation of the President of the Senate.  
37 Of the four appointments made in 1983 and biennially thereafter, two shall be made upon  
38 the recommendation of the President of the Senate, and two shall be made upon the  
39 recommendation of the Speaker. To stagger further the terms of members:

- 40 (1) Of the members appointed upon the recommendation of the Speaker to  
41 replace the members whose terms expire on June 30, 1991, one member  
42 shall be appointed to a term of one year, to expire on June 30, 1992; the

1 other member shall be appointed to a term of two years, to expire on  
2 June 30, 1993;

- 3 (2) Of the members appointed upon the recommendation of the President of  
4 the Senate to replace the members whose terms expire on June 30, 1991,  
5 one member shall be appointed to a term of one year, to expire on June  
6 30, 1992; the other member shall be appointed to a term of two years, to  
7 expire on June 30, 1993. Successors to these persons for terms  
8 beginning on or after January 1, 1997, shall be appointed by the General  
9 Assembly upon the recommendation of the President Pro Tempore of  
10 the Senate.

11 Thereafter, at the expiration of each stipulated term of office all appointments made by  
12 the General Assembly shall be for terms of two years.

13 Appointments by the General Assembly shall be made in accordance with G.S. 120-  
14 121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122.  
15 Members appointed by the General Assembly may be removed only for reasons provided  
16 by G.S. 143B-13.

17 The Governor shall appoint from the members of the Authority the chairman and  
18 vice-chairman of the Authority. The members of the Authority shall appoint a treasurer  
19 and secretary of the Authority.

20 The Authority shall meet once in each 60 days at such regular meeting time as the  
21 Authority by rule may provide and at any place within the State as the Authority may  
22 provide, and shall also meet upon the call of its chairman or a majority of its members. A  
23 majority of its members shall constitute a quorum for the transaction of business. The  
24 members of the Authority shall not be entitled to compensation for their services, but  
25 they shall receive per diem and necessary travel and subsistence expense in accordance  
26 with G.S. 138-5."

27 Section 2. The member of the Authority representative of businesses using the  
28 State Ports, to be appointed by the Governor pursuant to Section 1 of this act, shall be  
29 appointed to replace the member of the Authority whose term expires June 30, 1998.

30 Section 3. This act is effective when it becomes law.