

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1579  
State Government Committee Substitute Adopted 7/20/90

Short Title: Ports Board Changes.

(Public)

Sponsors:

Referred to:

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO STAGGER FURTHER THE TERMS SERVED BY MEMBERS OF THE BOARD OF THE STATE PORTS AUTHORITY, TO ELIMINATE THE GOVERNOR'S ABILITY TO REMOVE MEMBERS OF THE BOARD OF THE STATE PORTS AUTHORITY WITHOUT CAUSE, AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY REMOVE MEMBERS OF THE BOARD ONLY FOR CAUSE.

The General Assembly of North Carolina enacts:

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

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

The North Carolina State Ports Authority is hereby created. 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. 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, 1989, the Governor shall appoint six members to the Authority, in addition to the Secretary of Economic and Community Development, who shall serve as a voting member of the Authority by virtue of his

1 office. The Secretary of Economic and Community Development shall fill the first  
2 vacancy occurring after July 1, 1989, in a position on the Authority over which the  
3 Governor has appointive power.

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

8 To stagger further the terms of members:

9 (1) Of the members appointed by the Governor to replace the members  
10 whose terms expire on July 1, 1991, one member shall be appointed to  
11 a term of five years, to expire on June 30, 1996; the other member  
12 shall be appointed for a term of six years, to expire on June 30, 1997;

13 (2) Of the members appointed by the Governor to replace the members  
14 whose terms expire on July 1, 1993, one member shall be appointed to  
15 a term of five years, to expire on June 30, 1998; the other member  
16 shall be appointed to a term of six years, to expire on June 30, 1999;

17 (3) Of those members appointed by the Governor to replace the members  
18 whose terms expire on July 1, 1995, one member shall be appointed to  
19 a term of five years, to expire on June 30, 2000; the other member  
20 shall be appointed to a term of six years, to expire on June 30, 2001.

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

23 The members of the Authority appointed by the Governor shall be selected from the  
24 State-at-large and insofar as practicable shall represent each section of the State in all of  
25 the business, agriculture, and industrial interests of the State. Any vacancy occurring in  
26 the membership of the Authority appointed by the Governor shall be filled by the  
27 Governor for the unexpired term. ~~The Governor shall have the authority to remove any~~  
28 ~~member appointed by the Governor.~~ The Governor may remove a member appointed by  
29 the Governor only for reasons provided by G.S. 143B-13.

30 The General Assembly shall appoint two persons to serve terms expiring June 30,  
31 1983. The General Assembly shall appoint four persons to serve terms beginning July  
32 1, 1983, to serve until June 30, 1985, and successors shall serve for two-year terms. Of  
33 the two appointments to be made in 1982, one shall be made upon the recommendation  
34 of the Speaker, and one shall be made upon the recommendation of the President of the  
35 Senate. Of the four appointments made in 1983 and biennially thereafter, two shall be  
36 made upon the recommendation of the President of the Senate, and two shall be made  
37 upon the recommendation of the Speaker. To stagger further the terms of members:

38 (1) Of the members appointed upon the recommendation of the Speaker to  
39 replace the members whose terms expire on June 30, 1991, one  
40 member shall be appointed to a term of one year, to expire on June 30,  
41 1992; the other member shall be appointed to a term of two years, to  
42 expire on June 30, 1993;

43 (2) Of the members appointed upon the recommendation of the President  
44 of the Senate to replace the members whose terms expire on June 30,

1                   1991, one member shall be appointed to a term of one year, to expire  
2                   on June 30, 1992; the other member shall be appointed to a term of  
3                   two years, to expire on June 30, 1993.

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

6       Appointments by the General Assembly shall be made in accordance with G.S. 120-  
7 121, and vacancies in those appointments shall be filled in accordance with G.S. 120-  
8 122. Members appointed by the General Assembly may be removed only for reasons  
9 provided by G. S. 143B-13.

10       The Governor shall appoint from the members of the Authority the chairman and  
11 vice-chairman of the Authority. The members of the Authority shall appoint a treasurer  
12 and secretary of the Authority.

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

20               Sec. 2. This act shall become effective June 30, 1990.