

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 196  
Second Edition Engrossed 4/27/93

Short Title: Ports/Allow Local Membership.

(Public)

---

Sponsors: Senators Jordan; and Perdue.

---

Referred to: State Personnel and State Government.

---

February 17, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ADD TWO MEMBERS TO THE BOARD OF THE STATE PORTS  
2 AUTHORITY TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF  
3 THE SENATE, AND TO REMOVE THE LEGISLATIVE RECOMMENDATION  
4 AGAINST MEMBERSHIP ON THE BOARD OF THE STATE PORTS  
5 AUTHORITY BY PERSONS DOMICILED IN THE STATE HOUSE AND  
6 STATE SENATE DISTRICTS WHERE A PORT IS LOCATED.  
7

8 The General Assembly of North Carolina enacts:

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

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

12 The North Carolina State Ports Authority is hereby created. It shall be governed by a  
13 board composed of nine members and hereby designated as the Authority. Effective  
14 July 1, 1983, it shall be governed by a board composed of 11 members and hereby  
15 designated as the Authority. Effective July 1, 1993, it shall be governed by a board  
16 composed of 13 members and hereby designated as the Authority. ~~The General~~  
17 ~~Assembly suggests and recommends that no person be appointed to the Authority who is~~  
18 ~~domiciled in the district of the North Carolina House of Representatives or the North Carolina~~  
19 ~~Senate in which a State port is located.~~ The Governor shall appoint seven members to the  
20 Authority, and the General Assembly shall appoint two members of the Authority.  
21 Effective July 1, 1983, the Authority shall consist of seven persons appointed by the  
22 Governor, and four persons appointed by the General Assembly. Effective July 1, 1989,  
23 the Governor shall appoint six members to the Authority, in addition to the Secretary of

1 Commerce, who shall serve as a voting member of the Authority by virtue of his office.  
2 The Secretary of Commerce shall fill the first vacancy occurring after July 1, 1989, in a  
3 position on the Authority over which the Governor has appointive power. Effective  
4 July 1, 1993, the Authority shall consist of six persons appointed by the Governor, the  
5 Secretary of Commerce, and six persons appointed by the General Assembly.

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

10 To stagger further the terms of members:

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

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

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

31 The General Assembly shall appoint two persons to serve terms expiring June 30,  
32 1983. The General Assembly shall appoint four persons to serve terms beginning July 1,  
33 1983, to serve until June 30, 1985, and successors shall serve for two-year terms. Of the  
34 two appointments to be made in 1982, one shall be made upon the recommendation of  
35 the Speaker, and one shall be made upon the recommendation of the President of the  
36 Senate. Of the four appointments made in 1983 and biennially thereafter, two shall be  
37 made upon the recommendation of the President of the Senate, and two shall be made  
38 upon the recommendation of the Speaker. Effective July 1, 1993, two appointments  
39 shall also be made upon the recommendation of the President Pro Tempore of the  
40 Senate. To stagger further the terms of members:

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

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

3 (2) Of the members appointed upon the recommendation of the President  
4 of the Senate to replace the members whose terms expire on June 30,  
5 1991, one member shall be appointed to a term of one year, to expire  
6 on June 30, 1992; the other member shall be appointed to a term of  
7 two years, to expire on June 30, ~~1993-1993~~;

8 (3) Of the members appointed upon the recommendation of the President  
9 Pro Tempore of the Senate with terms beginning on July 1, 1993, one  
10 member shall be appointed to a term of one year, to expire on June 30,  
11 1994; the other member shall be appointed to a term of two years, to  
12 expire on June 30, 1995.

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

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

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

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

29 Sec. 2. This act is effective upon ratification.