

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1579

Short Title: Ports Board Changes/Funds.

(Public)

Sponsors: Senator Block.

Referred to: State Government.

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 APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF AN AIR FREIGHT DEVELOPMENT OFFICE WITHIN THE STATE PORTS AUTHORITY.

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 office. The Secretary of Economic and Community Development shall fill the first

1 vacancy occurring after July 1, 1989, in a position on the Authority over which the
2 Governor has appointive power. Effective for terms beginning July 1, 1990, all
3 appointments by the Governor shall be made upon the advice and consent of the North
4 Carolina Senate.

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
12 a term of five years, to expire on June 30, 1996; the other member
13 shall 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
16 a term of five years, to expire on June 30, 1998; the other member
17 shall 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
20 a term of five years, to expire on June 30, 2000; the other member
21 shall 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. Any vacancy occurring in
27 the membership of the Authority appointed by the Governor shall be filled by the
28 Governor for the unexpired term. ~~The Governor shall have the authority to remove any~~
29 ~~member appointed by the Governor.~~ 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. To stagger further the terms of members:

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

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

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

8 Appointments by the General Assembly shall be made in accordance with G.S. 120-
9 121, and vacancies in those appointments shall be filled in accordance with G.S. 120-
10 122.

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

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

21 Sec. 2. Part 10 of Chapter 143B of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 143B-468. Office of Air Freight Development.**

24 There is established within the North Carolina State Ports Authority an Office of Air
25 Freight Development. The Office of Air Freight Development shall make use of the
26 powers and authority granted to the North Carolina State Ports Authority to promote the
27 movement of air freight traffic through the airports of this State."

28 Sec. 3. G.S. 143B-453 reads as rewritten:

29 "**§ 143B-453. Purposes of Authority.**

30 Through the Authority hereinbefore created, the State of North Carolina may engage
31 in promoting, developing, constructing, equipping, maintaining and operating the
32 harbors and seaports within the State, or within the jurisdiction of the State, and works
33 of internal improvements incident thereto, including the acquisition or construction,
34 maintenance and operation at such seaports or harbors of watercraft and highways and
35 bridges thereon or essential for the proper operation thereof. Said Authority is created as
36 an instrumentality of the State of North Carolina for the accomplishment of the
37 following general purposes:

- 38 (1) To develop and improve the harbors or seaports at Wilmington,
39 Morehead City and Southport, North Carolina, and such other places,
40 including inland ports and facilities, as may be deemed feasible for a
41 more expeditious and efficient handling of waterborne commerce from
42 and to any place or places in the State of North Carolina and other
43 states and foreign countries.

- 1 (2) To acquire, construct, equip, maintain, develop and improve the port
2 facilities at said ports and to improve such portions of the waterways
3 thereat as are within the jurisdiction of the federal government.
- 4 (3) To foster and stimulate the shipment of freight and commerce through
5 said ~~ports,~~ ports, and through the airports located within the State of
6 North Carolina, whether originating the shipment originates within or
7 without the State of North Carolina, State, including the investigation
8 and handling of matters pertaining to all transportation rates and rate
9 structures affecting the same.
- 10 (4) To cooperate with the United States of America and any agency,
11 department, corporation or instrumentality thereof in the maintenance,
12 development, improvement and use of said harbors and seaports in
13 connection with and in furtherance of the war operations and needs of
14 the United States.
- 15 (5) To accept funds from any of said counties or cities wherein said ports
16 are located and to use the same in such manner, within the purposes of
17 said Authority, as shall be stipulated by the said county or city, and to
18 act as agent or instrumentality, of any of said counties or cities in any
19 matter coming within the general purposes of said Authority.
- 20 (6) To act as agent for the United States of America, or any agency,
21 department, corporation or instrumentality thereof, in any matter
22 coming within the purposes or powers of the Authority.
- 23 (7) And in general to do and perform any act or function which may tend
24 or be useful toward the development and improvement of harbors,
25 seaports and inland ports of the State of North Carolina, and to
26 increase the movement of waterborne commerce, foreign and
27 domestic, to, through, and from such harbors and ports.

28 The enumeration of the above purposes shall not limit or circumscribe the broad
29 objective of developing to the utmost the port possibilities of the State of North
30 Carolina."

31 Sec. 4. There is appropriated from the General Fund to the North Carolina
32 State Ports Authority the sum of \$50,000 for the 1990-91 fiscal year to implement the
33 provisions of Section 2 of this act.

34 Sec. 5. Section 1 of this act shall become effective June 30, 1990. The
35 remainder of this act shall become effective July 1, 1990.