

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 65
HOUSE BILL 189

AN ACT TO TRANSFER THE STATE PORTS AUTHORITY AND THE NAVIGATION AND PILOTAGE COMMISSIONS TO THE DEPARTMENT OF COMMERCE AND TO AMEND G.S. 143-216 RELATING TO THE CREATION, MEMBERSHIP, APPOINTMENT AND TERMS OF THE STATE PORTS AUTHORITY AND TO AMEND G.S. 143-218 RELATING TO PERSONNEL EMPLOYED BY THE STATE PORTS AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-216, as the same appears in the 1975 Cumulative Supplement to G.S. Replacement Volume 3C, is hereby rewritten to read as follows:

"§ 143-216. 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. Members of the General Assembly shall be eligible for appointment to the membership on 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, the Lieutenant Governor shall appoint one member and the Speaker of the House of Representatives shall appoint one member.

The initial appointments by the Governor shall be made on or after the date of ratification, two terms to expire July 1, 1979; two terms to expire July 1, 1981; and three terms to expire July 1, 1983. Thereafter, at the expiration of each stipulated term of office all appointments made by the Governor shall be for a term of six years. The members of the authority appointed by the Governor shall be selected from the State at large and insofar as practicable shall represent each section of the State in all of the business, agriculture, and industrial interests of the State. Any vacancy occurring in the membership of the authority appointed by the Governor shall be filled by the Governor for the unexpired term. The Governor shall have the authority to remove any member appointed by the Governor.

The Speaker of the House of Representatives shall appoint one member to the board from the current membership of the North Carolina House of Representatives on or after the date of ratification for a term of office to expire on July 1, 1979, and an appointment shall be made by the Speaker of the House for a term of office each two years thereafter. Any vacancy on the authority by reason of the resignation, or for any other reason, of the member appointed by the Speaker, shall be filled by the Speaker.

The Lieutenant Governor shall appoint one member to the board from the current membership of the North Carolina Senate on or after the date of ratification for a term of office to expire on July 1, 1979, and an appointment shall be made by the Lieutenant Governor for a term of office each two years thereafter. Any vacancy on the board by reason of the resignation, or for any other reason, of the board member appointed by the Lieutenant Governor shall be filled by the Lieutenant Governor.

The Governor shall appoint from the members of the authority the chairman and vice-chairman of the authority. The Secretary of Commerce or his designee shall serve as secretary of the authority. The members of the authority shall appoint a treasurer of the authority.

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

Sec. 2. G.S. 143-218(5), as the same appears in the 1975 Supplement to G.S. Replacement Volume 3C, is hereby rewritten to read as follows:

"(5) The authority with the approval of the Governor or his designee shall appoint such management personnel as they deem necessary and who shall serve at the pleasure of the authority. The salaries of these personnel shall be fixed by the Governor with the approval of the Advisory Budget Commission. The authority shall have the power to appoint, employ and dismiss such number of employees as it may deem necessary to accomplish the purposes of this Article subject to the availability of funds. The power to appoint, employ and dismiss personnel, and to fix the number thereof, may be delegated to one or more of the management personnel upon such terms and subject to such restrictions and limitations as the authority may deem proper. The compensation of such employees shall be fixed by the authority. There shall be an executive committee consisting of the chairman of the authority and two other members elected annually by the authority. The executive committee shall be vested with authority to do all acts which are authorized by the bylaws of the authority. Members of the executive committee shall serve until their successors are elected."

Sec. 3. G.S. 143B-353 is hereby repealed.

Sec. 4. G.S. 143B-354, as the same appears in the 1975 Cumulative Supplement to Volume 3C is hereby amended on lines 5, 11 and 12 by deleting the word "Transportation" and inserting in lieu thereof the word "Commerce".

Sec. 5. G.S. Chapter 143A, Article 15 is hereby amended by adding thereto a new G.S. 143A-185.1 to read as follows:

"§ 143A-185.1. North Carolina State Ports Authority, transfer. — The North Carolina State Ports Authority, as contained in Article 22 of Chapter 143 of the General Statutes, is hereby transferred by a Type II transfer to the Department of Commerce."

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1977.