

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 525
HOUSE BILL 680

AN ACT TO CHANGE THE PROCEDURE FOR APPOINTING HOSPITAL AUTHORITIES IN COUNTIES WITH A POPULATION LESS THAN 75,000.

Whereas, smaller counties need more flexibility in choosing hospital authority board members, because of the smaller pool of available persons; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 131-94 is amended by adding a new sentence at the end to read:

"This section applies to all cities regardless of population, and to all hospital authorities established jointly by any city and any county, but applies only to counties with a population of 75,000 or greater according to the most recent decennial federal census."

Sec. 2. Article 12 of Chapter 131 of the General Statutes is amended by adding a new section to read:

"§ 131-94.1. Appointment of commissioners in counties with a population of less than 75,000. — (a) An authority shall consist of not less than six and not more than 30 commissioners appointed by the board of county commissioners, which shall designate the first chairman.

(b) One third of the commissioners who are first appointed shall be designated by the board of county commissioners, to serve for the terms of one year, one third to serve for terms of two years, and one third to serve for terms of three years respectively from the date of their appointment. Thereafter, the term of office shall be three years. Vacancies shall be filled for the unexpired term. In selecting the persons to fill any vacancy created by the expiration of a term of office or otherwise the board of county commissioners may consider nominations submitted by the remaining members of the commissioners or the authority but is not bound by such nominations and may choose any qualified person.

(c) The members of the authority, upon a finding that it is in the public interest, may adopt a resolution increasing the membership of the authority by a fixed number and submit the certified resolution to the board of county commissioners for appointment of the new commissioners. The board of county commissioners may consider nominations submitted by the remaining members of the hospital authority when it selects commissioners to fill offices caused by an increase in the membership of the authority. The board of county commissioners shall appoint the new members within a reasonable time.

(d) A majority of the commissioners shall constitute a quorum. The board of county commissioners shall file with the county clerk, a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(e) When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ a secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as it may require, and shall

determine their qualifications, duties, and compensation. An authority may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(f) This section applies only to counties with a population of less than 75,000, according to the most recent decennial federal census but does not apply to any authority established jointly by a city and a county."

Sec. 2. This act is effective upon ratification but shall not be deemed to invalidate the appointment of commissioners serving on hospital authorities at or before ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1981.