

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 136*

Short Title: Ports Authority Appoint Director.

(Public)

Sponsors: Representatives Hall; B. Ethridge and Lineberry.

Referred to: Infrastructure.

February 2, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE BOARD OF THE STATE PORTS AUTHORITY TO APPOINT THE EXECUTIVE DIRECTOR OF THE AUTHORITY AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPOINT, EMPLOY, DISMISS AND FIX THE COMPENSATION OF OTHER PORTS AUTHORITY EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-454 reads as rewritten:

"§ 143B-454. Powers of Authority.

In order to enable it to carry out the purposes of this Part, the said Authority shall:

- (1) Have the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient;
- (2) Have the authority to make all necessary contracts and arrangements with other port authorities of this and other states for the interchange of business, and for such other purposes as will facilitate and increase the business of the North Carolina State Ports Authority;
- (3) Be authorized and empowered to rent, lease, buy, own, acquire, mortgage, otherwise encumber, and dispose of such property, real or person, as said Authority may deem proper to carry out the purposes and provisions of this Part, all or any of them;
- (4) Be authorized and empowered to acquire, construct, maintain, equip and operate any wharves, docks, piers, quays, elevators, compresses, refrigeration storage plants, warehouses and other structures, and any

1 and all facilities needful for the convenient use of the same in the aid
2 of commerce, including the dredging of approaches thereto, and the
3 construction of beltline roads and highways and bridges and
4 causeways thereon, and other bridges and causeways necessary or
5 useful in connection therewith, and shipyards, shipping facilities, and
6 transportation facilities incident thereto and useful or convenient for
7 the use thereof, excluding terminal railroads;

- 8 (5) ~~The Secretary of Commerce with the approval of the~~ Authority shall
9 appoint an Executive Director, whose salary shall be fixed by the
10 General Assembly in the Current Operations Appropriations Act, to
11 serve at ~~his~~its pleasure. ~~The Secretary of Commerce~~ Executive Director
12 or his designee shall appoint, employ, dismiss and, within the limits of
13 available funding, fix the compensation of such other employees as he
14 deems necessary to carry out the purposes of this Part. There shall be
15 an executive committee consisting of the chairman of the Authority
16 and two other members elected annually by the Authority. The
17 executive committee shall be vested with authority to do all acts which
18 are authorized by the bylaws of the Authority. Members of the
19 executive committee shall serve until their successors are elected;
- 20 (6) Establish an office for the transaction of its business at such place or
21 places as, in the opinion of the Authority, shall be advisable or
22 necessary in carrying out the purposes of this Part;
- 23 (7) Be authorized and empowered to create and operate such agencies and
24 departments as said board may deem necessary or useful for the
25 furtherance of any of the purposes of this Part;
- 26 (8) Be authorized and empowered to pay all necessary costs and expenses
27 involved in and incident to the formation and organization of said
28 Authority, and incident to the administration and operation thereof,
29 and to pay all other costs and expenses reasonably necessary or
30 expedient in carrying out and accomplishing the purposes of this Part;
- 31 (9) Be authorized and empowered to apply for and accept loans and grants
32 of money from any federal agency or the State of North Carolina or
33 any political subdivision thereof or from any public or private sources
34 available for any and all of the purposes authorized in this Article, and
35 to expend the same in accordance with the directions and requirements
36 attached thereto, or imposed thereon by any such federal agency, the
37 State of North Carolina, or any political subdivision thereof, or any
38 public or private lender or donor, and to give such evidences of
39 indebtedness as shall be required, provided, however, that no
40 indebtedness of any kind incurred or created by the Authority shall
41 constitute an indebtedness of the State of North Carolina, or any
42 political subdivision thereof, and no such indebtedness shall involve or
43 be secured by the faith, credit or taxing power of the State of North
44 Carolina, or any political subdivision thereof;

- 1 (10) Be authorized and empowered to act as agent for the United States of
2 America, or any agency, department, corporation, or instrumentality
3 thereof, in any matter coming within the purposes or powers of the
4 Authority;
- 5 (11) Have power to adopt, alter or repeal its own bylaws, rules and
6 regulations governing the manner in which its business may be
7 transacted and in which the power granted to it may be enjoyed, and
8 may provide for the appointment of such committees, and the
9 functions thereof, as the Authority may deem necessary or expedient in
10 facilitating its business;
- 11 (12) Be authorized and empowered to do any and all other acts and things
12 in this Part authorized or required to be done, whether or not included
13 in the general powers in this section mentioned; and
- 14 (13) Be authorized and empowered to do any and all things necessary to
15 accomplish the purposes of this Part: Provided, that said Authority
16 shall not engage in shipbuilding.
- 17 The property of the Authority shall not be subject to any taxes or assessments
18 thereon.
- 19 Prior to taking any action under this subsection, the Authority may consult with the
20 Advisory Budget Commission."
- 21 Sec. 2. This act is effective upon ratification.