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## SENATE BILL NO. 406

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on March 9, 2000)

(Patron Prior to Substitute—Senator Williams)

*A BILL to amend and reenact § 4, as amended, of Chapter 46 of the Acts of Assembly of 1952, which created the presently named Peninsula Ports Authority of Virginia.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 4, as amended, of Chapter 46 of the Acts of Assembly of 1952 is amended and reenacted as follows:**

§ 4. The Authority shall be governed by a commission composed of ~~nine~~ seven commissioners. All powers and duties of the Authority shall be exercised and performed by the commission. ~~The nine incumbent members of the commission are declared to be and are the lawfully constituted members of the commission, and their appointments to office, qualification and terms of office, being March 1, 1964 for two members, March 1, 1965 for two other members, March 1, 1966 for two other members and March 1, 1967 for the remaining three members, are hereby ratified, validated and confirmed. Each of such incumbent members shall continue in office until his successor shall be duly appointed and qualified. Except as otherwise provided in this section, the successor of each member of the commission shall be a resident of the city or county that he is appointed to represent and shall be appointed for a term of four years one year and until his successor shall be duly appointed and qualified, except that the two incumbent members whose terms expire on February 29, 2000, shall not continue in office after February 29, 2000, and that any person appointed to fill a vacancy shall serve only for the unexpired term. Members of the commission may be appointed for no more than ten successive one-year terms. Two of the successors to the six current All members residing in the City of Newport News of the commission shall be residents of the City of Hampton, the City of Newport News, the City of Poquoson, the City of Williamsburg, the County of Gloucester, the County of James City, or the County of York and shall be appointed by the council of the City of Newport News, and shall have been appointed to the executive committee of the Peninsula Alliance for Economic Development, pursuant to its charter and by-laws. One of the successors to the remaining four current members residing in the City of Newport News shall be appointed by city council of the City of Newport News from the City of Williamsburg and the Counties of York, James City, and Gloucester upon the recommendation of the city council or board of supervisors of the city or county they are to represent. Two of the successors to the three members residing in the City of Hampton shall be appointed by the council of the City of Hampton. The successor to the other current member residing in the City of Hampton shall be appointed by city council of the City of Hampton from the City of Poquoson upon the recommendation of the Poquoson city council. Thereafter the city council or board of supervisors of the respective city or county shall appoint the member to represent their city or county. Any member who shall cease to reside within such city or county or shall cease to be a member of the executive committee of the Peninsula Alliance for Economic Development shall thereupon be disqualified from holding office as a member of the commission. Each member of the commission shall, before entering upon the discharge of his duties, take and subscribe the oath of office required by § 34 of the Constitution of Virginia.~~

Any member who shall cease to reside within the city from which he was appointed shall thereupon be disqualified from holding office as a member of the commission.

Five ~~four~~ A majority of members of the commission shall constitute a quorum and the affirmative vote of ~~five~~ four members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the powers and perform all the duties of the commission.

**2. That the provisions of this act shall not affect appointments to the commission of the Peninsula Ports Authority of Virginia made prior to March 1, 2000.**

**3. That an emergency exists and this act is in force from its passage.**