

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 979
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/15/03

Short Title: Amend ASMFC Appointment.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL
3 ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE
4 FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND
5 CONFORMING CHANGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The title of Article 19 of Chapter 113 of the General Statutes
8 reads as rewritten:

"Article 19.

Atlantic States Marine Fisheries Compact and Commission."

11 **SECTION 2.** G.S. 113-251 reads as rewritten:

12 **"§ 113-251. Definition of terms.**

13 (a) As used in this Article, ~~the word Article:~~

14 (1) 'Commission' refers to means the Atlantic States Marine Fisheries
15 Commission and the word "commissioner" refers to a member of that
16 Commission.Commission.

17 (b) ~~The reference in Article III of the Compact set out in G.S. 113-252 to the~~
18 ~~chairman of the committee on commercial fisheries shall be deemed to refer to the~~
19 ~~chairman of the Marine Fisheries Commission.~~

20 (c) ~~The reference in Article III of the Compact set out in G.S. 113-252 to the~~
21 ~~Commissioner of Commercial Fisheries shall be deemed to refer to the Secretary.~~

22 (d) ~~The reference in Article III of the Compact set out in G.S. 113-252 to the~~
23 ~~Board of the North Carolina Department of Conservation and Development shall be~~
24 ~~deemed to refer to the Secretary.~~

25 (2) 'Commissioner' means a member of the Atlantic States Marine
26 Fisheries Commission.

27 (3) 'Compact' means the Atlantic States Marine Fisheries Compact.

(4) 'Fisheries Director' means the Director of the Division of Marine Fisheries of the Department of Environment and Natural Resources.'"

SECTION 3. Article III of G.S. 113-252 reads as rewritten:

"§ 113-252. Atlantic States Marine Fisheries Compact and Commission.

...

ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. ~~The Board of the North Carolina Department of Conservation and Development shall designate either the director of the Department, the chairman of the committee on commercial fisheries, or the Commissioner of Commercial Fisheries as one member of the Commission, and the Commission on Interstate Cooperation of the State shall designate a member of the North Carolina legislature as one of the members of said Commission, and the third member of said Commission, who shall be a citizen of the State having a knowledge of and interest in marine fisheries, shall be appointed by the Governor.~~One shall be the executive officer of the administrative agency of the state charged with the conservation of the fisheries resources to which this compact pertains. The second shall be a member of the legislature appointed by the Governor. The third shall be a citizen who has knowledge of and interest in marine fisheries issues, appointed by the Governor. This Commission shall be a body corporate, with the powers and duties set forth herein.

...."

SECTION 4. G.S. 113-254 reads as rewritten:

"§ 113-254. North Carolina members of Commission.

(a) In pursuance of Article III of ~~said Compact~~the Compact, there shall be three ~~members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called Commission) from the State of~~commissioners from North Carolina. The first commissioner from the State of North Carolina shall be the Fisheries Director of the Division of Marine Fisheries of the Department, ex officio, and the term of such ex officio shall be the Fisheries Director, ex officio. The term of this commissioner shall terminate at the time he the commissioner ceases to hold such office, and his office as the Fisheries Director. The successor as to this commissioner shall be his the commissioner's successor as Fisheries Director of the Division of Marine Fisheries. Fisheries Director. The second commissioner from the State of North Carolina shall be a legislator and member of the Commission on Interstate Cooperation of the State of North Carolina, ex officio, designated by said Commission on Interstate Cooperation, and the appointed by the Governor. The term of any such ex officio this commissioner shall terminate at the time he the commissioner ceases to hold said legislative office or said office as Commissioner on Interstate Cooperation, and his successor as commissioner legislative office. This commissioner's successor shall be named in like manner. appointed by the Governor. The Governor (by and with the advice and consent of the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The third

1 commissioner from the State of North Carolina shall be a citizen of the State with
2 knowledge of and interest in marine fisheries issues appointed by the Governor. The
3 term of said Commissioner~~this commissioner shall be three years and he years. This~~
4 commissioner may be reappointed for successive terms and shall hold office until his
5 the commissioner's successor shall be appointed and qualified. ~~Vacancies~~ A vacancy
6 occurring in the office of such Commissioner from this commissioner for any reason or
7 cause shall be filled by appointment by the Governor ~~(by and with the advice and~~
8 ~~consent of the Senate)~~ Governor for the unexpired term.

9 (b) ~~The Fisheries Director of the Division of Marine Fisheries appointed pursuant~~
10 ~~to Article III as ex officio commissioner may delegate, from time to time, may delegate~~
11 ~~to any deputy or other subordinate of the Fisheries Director, Director the power to be~~
12 ~~present and participate, including voting, present, participate, and vote as his the~~
13 ~~Fisheries Director's representative or substitute at any meeting of or hearing by or other~~
14 ~~proceedings~~ meeting, hearing, or other proceeding of the Commission.

15 ~~The terms of each of the initial three members shall begin at the date of the~~
16 ~~appointment of the appointive commissioner, provided the said Compact shall then have~~
17 ~~gone into effect in accordance with Article II of the Compact; otherwise they shall begin~~
18 ~~upon the date upon which said Compact shall become effective in accordance with said~~
19 ~~Article II.~~

20 (c) Any commissioner may be removed from office by the Governor upon
21 charges and after a hearing."

22 **SECTION 5.** This act is effective when it becomes law.