

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 570

Short Title: Marine Fisheries Amendments.

(Public)

Sponsors: Representatives Mavretic, Brawley, Chapin, Foster, Howard, Smith, Thompson; and Bowman.

Referred to: State Government.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY APPOINTMENTS TO THE MARINE FISHERIES
3 COMMISSION AND TO MAKE OTHER CHANGES TO THE STATUTES
4 CONCERNING MARINE FISHERIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-289.5 reads as rewritten:

7 "**§ 143B-289.5. Marine Fisheries Commission – members; selection; removal;**
8 **compensation; quorum; services.**

9 (a) Members, Selection. – The Marine Fisheries Commission shall consist of ~~15~~
10 11 members appointed by the Governor. The Governor shall select the members so that
11 all the following interests are represented:

12 (1) ~~Four~~ Three who shall at the time of appointment be actively connected
13 with and have experience in commercial fishing, as demonstrated by
14 deriving at least fifty percent (50%) of earned income from taking and
15 selling food resources living in coastal fishing waters;

16 (2) ~~Four~~ Three who shall at the time of appointment be actively connected
17 with and have experience in sport fishing;

18 (3) ~~Three~~ Two who shall at the time of appointment have special training
19 and expertise in marine or estuarine sciences or the environment
20 affecting the marine and estuarine resources;

21 (4) Two who shall at the time of appointment be actively connected with
22 and have experience in seafood processing and distribution as

- 1 demonstrated by deriving at least fifty percent (50%) of earned income
2 from activities involving processing and distributing seafood;
3 (5) ~~Two~~One at large who shall at the time of appointment have knowledge
4 of and experience related to the subjects and persons regulated by the
5 Commission.

6 In making appointments to and filling vacancies upon the Commission, the
7 Governor shall give due consideration to securing appropriate representation of women
8 and minorities.

9 (b) Terms. – Members shall serve staggered terms of office of six years.
10 Commission members may continue to serve until their successors have been appointed.
11 Each member of the Commission, before assuming the duties of his office, shall take an
12 oath for the faithful performance of his duties.

13 (c) Vacancies. – Vacancies on the Commission occurring for any reason shall be
14 filled by the ~~Governor~~Governor with a new member of like qualifications. Any
15 appointment to fill a vacancy on the Commission created by the resignation, dismissal,
16 death or disability of a member shall be for the balance of the unexpired term.

17 (d) Removal. – Commission members ~~may be removed by the Governor for~~
18 ~~misconduct, incompetence, or neglect of duty.~~serve at the pleasure of the Governor.
19 Regular attendance at Commission meetings is a duty of each member. The
20 Commission shall develop procedures for declaring any seat on the Commission to be
21 vacant upon failure by a member to perform his duty.

22 (e) Residential Qualifications. – In appointing four members of the Commission
23 pursuant to G.S. ~~143B-289.5(a)(1), 143B-289.5(a)(1) and (2)~~ the Governor shall cause at
24 least one resident of each of the following areas to be appointed: (1) Bertie, Camden,
25 Chowan, Currituck, Dare, Gates, Halifax, Hertford, Martin, Northampton, Pasquotank,
26 Perquimans, Tyrrell and Washington Counties; (2) Beaufort, Hyde and Pamlico
27 Counties; (3) Carteret, Craven and Jones Counties; (4) Bladen, Brunswick, Columbus,
28 New Hanover, Onslow and Pender Counties. Persons appointed to the Commission
29 seats created pursuant to G.S. 143B-289.5(a)(4) shall be residents of one of the counties
30 listed above. No more than three members appointed by the Governor may reside in
31 any of the areas defined above.

32 (f) Office May Be Held Concurrently With Others. – Membership on the Marine
33 Fisheries Commission is hereby declared to be an office that may be held concurrently
34 with other elective or appointive offices permitted to be held by one person under G.S.
35 128-1.1.

36 (g) Compensation. – Members of the Commission who are State officers or
37 employees shall receive no per diem compensation for serving on the Commission, but
38 shall be reimbursed for their expenses in accordance with G.S. 138-6. Members of the
39 Commission who are full-time salaried public officers or employees other than State
40 officers or employees shall receive no per diem compensation for serving on the
41 Commission, but shall be reimbursed for their expenses in accordance with G.S. 138-6
42 in the same manner as State officers or employees. All other Commission members
43 shall receive per diem compensation and reimbursement in accordance with the
44 compensation rate established in G.S. 93B-5.

1 (h) Quorum. – A majority of the Commission of the duly appointed members
2 shall constitute a quorum for the transaction of business. No vacancy in the
3 membership of the Commission shall impair the rights of a quorum to exercise all the
4 rights and to perform all the duties of the Commission.

5 (i) Staff. – All clerical and other services required by the Commission shall be
6 supplied by the Fisheries Director and the Department of Environment, Health, and
7 Natural Resources.

8 (j) Legal Services. – The Attorney General shall act as attorney for the
9 Commission and shall initiate actions in the name of, and at the request of, the
10 Commission, and shall represent the Commission in the hearing of any appeal from or
11 other review of any order of the Commission.

12 (k) Appointments by General Assembly. – In addition to the members
13 designated by subsection (a), the General Assembly shall appoint four members, two
14 upon the recommendation of the Speaker of the House of Representatives, and two upon
15 the recommendation of the President Pro Tempore of the Senate. Appointments by the
16 General Assembly shall be made in accordance with G.S. 120-121, and vacancies in
17 those appointments shall be filled in accordance with G.S. 120-122. The terms of initial
18 appointees by the General Assembly shall expire on . Thereafter, these members
19 shall serve two-year terms."

20 Sec. 2. This act is effective upon ratification.