

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 979

Short Title: Amend ASMFC Appointment. (Public)

Sponsors: Senator Albertson.

Referred to: Agriculture/Environment/Natural Resources.

April 3, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL
ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE
FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND
CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

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

"Article 19.

Atlantic States Marine Fisheries Compact and Commission."

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

"§ 113-251. Definition of terms.

(a) As used in this Article, the word "Commission" refers to the Atlantic States Marine Fisheries Commission and the word "commissioner" refers to a member of that Commission.Commission.

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

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

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

(e) As used in this Article, the word 'commissioner' refers to a member of the Atlantic States Marine Fisheries Commission.

(f) As used in this Article, the word 'Compact' refers to the Atlantic States Marine Fisheries Compact.

1 (g) As used in this Article, the words 'Fisheries Director' refer to the Director of
2 the Division of Marine Fisheries of the Department of Environment and Natural
3 Resources."

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

5 "§ 113-252. Atlantic States Marine Fisheries Compact and Commission.

6 ...

7 ARTICLE III

8
9 Each state joining herein shall appoint three representatives to a commission hereby
10 constituted and designated as the Atlantic States Marine Fisheries Commission. ~~The~~
11 ~~Board of the North Carolina Department of Conservation and Development shall~~
12 ~~designate either the director of the Department, the chairman of the committee on~~
13 ~~commercial fisheries, or the Commissioner of Commercial Fisheries as one member of~~
14 ~~the Commission, and the Commission on Interstate Cooperation of the State shall~~
15 ~~designate a member of the North Carolina legislature as one of the members of said~~
16 ~~Commission, and the third member of said Commission, who shall be a citizen of the~~
17 ~~State having a knowledge of and interest in marine fisheries, shall be appointed by the~~
18 ~~Governor. One shall be the executive officer of the administrative agency of the state~~
19 ~~charged with the conservation of the fisheries resources to which this compact pertains.~~
20 ~~The second shall be a member of the legislature appointed by the Governor. The third~~
21 ~~shall be a citizen who has knowledge of and interest in marine fisheries issues,~~
22 ~~appointed by the Governor. This Commission shall be a body corporate, with the~~
23 ~~powers and duties set forth herein.~~

24"

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

26 "§ 113-254. North Carolina members of Commission.

27 (a) In pursuance of Article III of said Compact the Compact, there shall be three
28 members (hereinafter called commissioners) of the Atlantic States Marine Fisheries
29 Commission (hereinafter called Commission) from the State of commissioners from
30 North Carolina. The first commissioner from the State of North Carolina shall be the
31 Fisheries Director of the Division of Marine Fisheries of the Department, ex officio, and
32 the term of such ex officio shall be the Fisheries Director, ex officio. The term of this
33 commissioner shall terminate at the time he the commissioner ceases to hold such
34 office, and his office as the Fisheries Director. The successor as to this commissioner
35 shall be his the commissioner's successor as Fisheries Director of the Division of
36 Marine Fisheries. Fisheries Director. The second commissioner from the State of North
37 Carolina shall be a legislator and member of the Commission on Interstate Cooperation
38 of the State of North Carolina, ex officio, designated by said Commission on Interstate
39 Cooperation, and the appointed by the Governor. The term of any such ex officio this
40 commissioner shall terminate at the time he the commissioner ceases to hold said
41 legislative office or said office as Commissioner on Interstate Cooperation, and his
42 successor as commissioner legislative office. This commissioner's successor shall be
43 named in like manner appointed by the Governor. The Governor (by and with the
44 advice and consent of the Senate) shall appoint a citizen as a third commissioner who

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

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

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

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

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