

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 320
SENATE BILL 389

AN ACT TO ABOLISH THE NORTH CAROLINA MARINE SCIENCE COUNCIL,
TO CREATE THE NORTH CAROLINA COUNCIL ON OCEAN AFFAIRS, AND
TO REQUIRE THE OFFICE OF MARINE AFFAIRS TO ADMINISTER THE
NORTH CAROLINA AQUARIUMS.

The General Assembly of North Carolina enacts:

Section 1. Part 8 of Article 9 of Chapter 143B of the General Statutes is repealed.

Sec. 2. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to follow Part 8A to read:

"Part 8B. North Carolina Council on Ocean Affairs.

"§ 143B-390.10. North Carolina Council on Ocean Affairs – creation; purpose; powers; and duties.

(a) The North Carolina Council on Ocean Affairs is created. The Council shall be administered by the Department of Administration.

(b) The Council shall serve as the central ocean and marine policy planning body of the State and shall communicate and cooperate with federal, State, regional, and local bodies and agencies to the end of effecting a coordinated ocean and marine policy.

(c) The Council shall have the following powers and duties:

- (1) To encourage the use and study of the ocean and estuarine and coastal waters of North Carolina by citizens and industries of the State;
- (2) To encourage education and training in ocean science, technology, and policy in North Carolina, including extension and continuing education;
- (3) To maintain liaison with the corresponding authorities of other coastal states;
- (4) To develop and maintain a continuing inventory of the ocean and marine resources of the State;
- (5) To assist in the coordination of efforts toward responsible development of the State's ocean and marine resources with proper attention being given to the need for wise use of these resources;
- (6) To coordinate plans for and work with relevant governmental agencies in the implementation of all federal, State, and local legislation relating to ocean and marine resources;

- (7) To examine research, education,* and management programs relating to ocean and marine resources and to recommend revision when appropriate;
- (8) To secure directly from any executive department, agency, subdivision, or independent instrumentality of State or local governments any information it deems necessary to carry out its functions;
- (9) To review an annual update of activities of the North Carolina Aquariums and to provide input into the mission and future programs based on any North Carolina Council on Ocean Affairs work that may be applicable to the State Aquariums;
- (10) To advise the Governor and Secretary of Administration upon any matter the Governor or Secretary may refer to the North Carolina Council on Ocean Affairs and to advise and make recommendations on ocean and marine policy to the Governor;
- (11) To provide the Joint Legislative Commission on Governmental Operations with five copies of any reports submitted to the Governor; and
- (12) To undertake any other duties assigned to it by the Governor or the Secretary of Administration.

"§ 143B-390.11. North Carolina Council on Ocean Affairs – membership; terms; rules of procedure; meetings; expenses.

(a) The Council shall consist of 16 members, two of which shall serve ex officio, from the public and private academic and scientific institutions in the State and from the various industries and professions in the State concerned with the exploration and use of the ocean and marine resources.

(b) The Governor shall appoint six members. These members shall represent the following interests:

- (1) One member from the field of ocean or coastal policy or law;
- (2) One member from the field of coastal or marine ecology;
- (3) One member from the field of marine or fishery economics;
- (4) One member from the fields of marine anthropology or sociology; and
- (5) Two at-large members from coastal counties.

(c) The President Pro Tempore of the Senate shall appoint four members. These members shall represent the following interests:

- (1) One member from a marine-related industry;
- (2) One member from the field of marine education;
- (3) One at-large member from a coastal county; and
- (4) One member from the field of coastal or ocean planning.

(d) The Speaker of the House of Representatives shall appoint four members. These members shall represent the following interests:

- (1) One member from the field of commercial fisheries;
- (2) One member from the field of recreational fisheries;
- (3) One at-large member from a coastal county; and

(4) One member from a marine-related industry.

(e) The Governor shall appoint two more members to serve ex officio. Ex officio members shall have no vote. These members shall represent the following interests:

(1) One member from the Department of Environment, Health, and Natural Resources who shall be an employee of the Department whose responsibilities include coastal or marine matters; and

(2) One member from the Department of Economic and Community Development who shall be an employee of the Department whose responsibilities include travel and tourism.

(f) The initial terms shall begin October 1, 1991. To achieve staggered terms, the initial terms for members appointed pursuant to subdivisions (b)(4) through (b)(5), (c)(3), (c)(4), (d)(3), and (d)(4) shall expire September 30, 1993. The initial terms for members appointed pursuant to subdivisions (b)(1) through (b)(3), (c)(1), (c)(2), (d)(1), and (d)(2) shall expire September 30, 1995. Except for ex officio members, all succeeding terms for members shall be four-year terms. Each ex officio member shall serve for an indefinite term at the pleasure of the Governor.

(g) A vacancy shall occur automatically when a member or an ex officio member ceases to qualify for his appointment under the terms of subsections (b) through (e). In the event of a vacancy arising otherwise than by expiration of the term, the Governor shall appoint a successor of like qualifications in accordance with subsections (b) through (e). Except for an ex officio member, a successor member shall then serve the remainder of his predecessor's term.

(h) The Governor shall designate a member of the Council to serve as the Chairperson at the pleasure of the Governor.

(i) Membership on the North Carolina Council on Ocean Affairs is an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(j) Any member of the Council may be removed from office in accordance with the provisions of G.S. 143B-16.

(k) The Council shall adopt rules of procedure subject to the approval of the Secretary of Administration. The Council may meet four times per year and at other times if the Council obtains the prior approval of the Secretary of Administration. Regular attendance at Council meetings is required. The rules of procedure developed by the Council shall include rules for declaring any appointment on the Council to be vacant for failure of a member to attend meetings or to otherwise perform his duty. A majority of the Council shall constitute a quorum for the transaction of business.

(l) Members of the Council other than ex officio members shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

Sec. 3. G.S. 143B-390.2 reads as rewritten:

"§ 143B-390.2. Office of Marine Affairs – organization; powers and duties.

(a) The Office shall be organized as prescribed by the Secretary of Administration and exercise the following powers and duties:

- (1) ~~To administer the operations of the three North Carolina Marine Resources Centers;~~
- (1a) To establish and maintain the North Carolina Aquariums;
- (1b) To administer the operations of the North Carolina Aquariums, such administrative duties to include, but not be limited to the following:
 - a. Adopt goals and objectives for the Aquariums and review and revise these goals and objectives periodically;
 - b. Review and approve requests for use of the Aquarium facilities and advise the Secretary of Administration on the most appropriate use consistent with the goals and objectives of the Aquariums;
 - c. Continually review and evaluate the types of projects and programs being carried out in the Aquarium facilities and determine if the operation of the facilities is in compliance with the established goals and objectives;
 - d. Recommend to the Secretary of Administration any policies and procedures needed to assure effective staff performance and proper liaison among Aquarium facilities in carrying out the overall purposes of the Aquarium programs;
 - e. Review Aquarium budget submissions to the Secretary of Administration;
 - f. Recruit and recommend to the Secretary of Administration candidates for the positions of directors of the North Carolina Aquariums; and
 - g. Create local advisory committees in accordance with the provisions of G.S. 143B-390.4.
- (2) ~~To provide~~ Provide staff to the North Carolina ~~Marine Science Council~~ Council on Ocean Affairs in furtherance of the Council's statutory powers and duties;
- (3) ~~To advise~~ Advise the Secretary of Administration regarding the analysis, planning and implementation of current and future State and federal goals, policies and programs relating to the ocean and marine resources of North ~~Carolina;~~ Carolina, such duties to include, but not be limited to, giving advice regarding:
- (4) ~~To advise the Secretary of Administration in providing~~
 - a. Providing recommendations to other educational, informational and policy-making bodies regarding marine and ocean resource issues;
- (5) ~~To review research proposals submitted for State matching funds for The University of North Carolina Sea Grant College Program;~~
- (6) ~~To administer~~
 - b. Administering* the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided

under the OCS Lands Act Amendments of 1978 (43 USC § 1801); §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.); and

c. Coordinating necessary legal or technical research to carry out the duties set forth in this subdivision.

(7) ~~To assume~~ Assume any other powers and duties assigned to it by the Secretary.

(b) The Secretary may adopt any rules and procedures necessary to implement this section."

Sec. 4. Part 8A of Article 9 of Chapter 143B of the General Statutes is amended by adding two new sections after G.S. 143B-390.2 to read:

"§ 143B-390.3. North Carolina Aquariums; purpose.

The purpose of establishing and maintaining the North Carolina Aquariums is to promote an awareness, understanding, and appreciation of the diverse natural and cultural resources associated with North Carolina's oceans, estuaries, rivers, streams, and other aquatic environments.

"§ 143B-390.4. Local advisory committees; duties; membership.

Local advisory committees created pursuant to G.S. 143B-390.2(a)(1b) shall assist each North Carolina Aquarium in its efforts to establish projects and programs and to assure adequate citizen-consumer input into those efforts. Members of these committees shall be appointed by the Secretary of Administration for three-year terms from nominations made by the Director of the Office of Marine Affairs. Each committee shall select one of its members to serve as chairperson. Members of the committees shall serve without compensation for services or expenses."

Sec. 5. The equipment, records, documents, files, personnel, and administrative rules of the North Carolina Marine Science Council are transferred to the North Carolina Council on Ocean Affairs.

Sec. 6. This act becomes effective September 30, 1991.

In the General Assembly read three times and ratified this the 19th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives