

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 202  
HOUSE BILL 476

AN ACT TO ABOLISH THE MARINE RESOURCES CENTER ADMINISTRATIVE BOARD, TO REORGANIZE THE MARINE SCIENCE COUNCIL, AND TO ESTABLISH AN OFFICE OF MARINE AFFAIRS.

The General Assembly of North Carolina enacts:

Section 1. Part 8 of Article 9 of Chapter 143B of the General Statutes is rewritten to read:

"Part 8. North Carolina Marine Science Council.

**"§ 143B-389. North Carolina Marine Science Council - creation; purpose; powers and duties.** – (a) There is created the North Carolina Marine Science Council. 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, estuarine and coastal waters of the State of North Carolina by citizens and industries of the State;
- (2) To encourage education and training in ocean science technology in the State of North Carolina, including extension and continuing education;
- (3) To maintain liaison with the corresponding authorities of nearby coastal states;
- (4) To develop and maintain a continuing inventory of the ocean and marine resources of the State of North Carolina;
- (5) To assist in the coordination of efforts toward full development of the State's ocean and marine resources with proper attention being given to the need for wise utilization;
- (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 all 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 administer the North Carolina Marine Resources Centers as follows:
  - a. Adopting goals and objectives for the centers and reviewing and revising these goals and objectives periodically;
  - b. Reviewing and approving requests for use of the center facilities and advising the Secretary of the Department of Administration on the most appropriate utilization consistent with the goals and objectives of the center;
  - c. Continually reviewing and evaluating the types of projects and programs being carried out in the center facilities and determining if the operation of the facilities is in compliance with the established goals and objectives;
  - d. Recommending to the Secretary of Administration any policies and procedures needed to assure effective staff performance and proper liaison among center facilities in carrying out the overall purposes of the center programs;
  - e. Reviewing center budget submissions to the Secretary of the Department of Administration;
  - f. Recruiting and recommending to the Secretary of the Department of Administration, candidates for the positions of directors of the three centers;
  - g. Creating local advisory committees to assist each center in its efforts to establish projects and programs and to assure adequate citizen-consumer input into those efforts. Members of the committees shall be appointed by the Secretary of Administration for four- 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 its chairman. Members of the local advisory committees shall serve without compensation for services or expenses;
- (10) To advise the Governor and Secretary of Administration upon any matter the Governor or Secretary may refer to the Council and to advise and make recommendations on ocean and marine policy to the Governor; and
- (11) To undertake any other duties assigned to it by the Governor or the Secretary.

**"§ 143B-390. North Carolina Marine Science Council - membership; terms; rules of procedure; meetings; quorum; expenses.** – (a) The Council shall consist of 28 members appointed as follows:

- (1) Eighteen members shall be appointed by the Governor 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. These members shall serve four- year terms. The terms shall be staggered so that nine terms begin July 1 of each odd-numbered year.

- (2) Three at-large members shall be appointed by the Governor. These members shall serve four-year terms. The terms shall be staggered so that one term begins July 1, 1987, and two terms begin July 1, 1989.
- (3) Three members shall be the chairpersons of the North Carolina Marine Resources Centers' local advisory committees. These members shall serve during their tenures as chairmen.
- (4) One member representing the Department of Commerce in the area of ports and waterways shall be appointed by and serve at the pleasure of the Secretary of the Department of Commerce.
- (5) Two members representing the Department of Natural Resources and Community Development in the area of coastal resources and environmental protection shall be appointed by and serve at the pleasure of the Secretary of the Department of Natural Resources and Community Development.
- (6) One member representing the Department of Human Resources in the area of health services shall be appointed by and serve at the pleasure of the Secretary of the Department of Human Resources.

(b) Membership on the Marine Science Council shall become vacant automatically if a member ceases to qualify for his or her seat under the terms of subsection (a). In the event of a vacancy arising otherwise than by expiration of term, the Governor shall appoint a successor of like qualifications in accordance with subsection (a) who shall then serve the remainder of his predecessor's term.

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

(d) Membership on the Marine Science Council 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.

(e) The Governor may remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

(f) The Council shall adopt rules of procedure which shall be approved by the Secretary of Administration. The Council shall meet four times per year and at other times with the approval of the Secretary of Administration. Regular attendance at Council meetings is a duty of each member. The Council shall develop procedures for declaring any seat on the Council to be vacant upon failure of a member to perform his duty. A majority of the Council shall constitute a quorum for the transaction of business.

(g) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. With the prior approval of the Secretary of the Department of Administration, advisors to the Council

may also receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

Sec. 2. Notwithstanding the provisions of G.S. 143B- 390, as amended by Section 1 of this act, all members of the North Carolina Marine Science Council on July 1, 1985, shall serve on the Council for the remainder of the terms for which they were appointed. To achieve the staggered terms required by the provisions of G.S. 143B-390(1) and (2), as amended by Section 1 of this act, new members shall be appointed for 1985, 1987, and 1989 as follows:

- (1) The five vacancies occurring in 1985 shall be filled with five members meeting the requirements of G.S. 143B- 390(1), as amended by Section 1 of this act. These members shall serve for two-year terms.
- (2) The nine vacancies occurring n 1987 shall be filled with eight members meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, and one member meeting the requirements of G.S. 143B-390(2), as amended by Section 1 of this act. These members shall serve for two-year terms.
- (3) The 12 vacancies occurring in 1989 shall be filled with 10 members meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, and two members meeting the requirements of G.S. 143B-390(2), as amended by Section 1 of this act. All of these members shall serve for four-year terms except that one member meeting the requirements of G.S. 143B-390(1), as amended by Section 1 of this act, shall serve for a two-year term.

Sec. 3. Article 9 of Chapter 143B of the General Statutes is amended by adding a new part to read:

"Part 8A. Office of Marine Affairs.

"§ 143B-390.1. **Office of Marine Affairs - creation.**—There is created in the Department of Administration the Office of Marine Affairs.

"§ 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;
- (2) To provide staff to the North Carolina Marine Science Council in furtherance of the Council's statutory powers and duties;
- (3) To 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;
- (4) To advise the Secretary of Administration in 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 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); and

(7) To 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. G.S. 143-347.10, 143-347.11, 143-347.12, 143-347.13 and 143-347.14 are repealed.

Sec. 5. G.S. 120-123 is amended by adding a new subsection (43) to read:

"(43) The North Carolina Marine Science Council, as established by G.S. 143B-389."

Sec. 6. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.