

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 619
SENATE BILL 511

AN ACT TO AUTHORIZE REVIEW BY THE MARINE FISHERIES COMMISSION
OF PROCLAMATIONS ISSUED BY THE SECRETARY OF THE NORTH
CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY
DEVELOPMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-221 is amended by adding a new paragraph (e1) after (e) to read:

"(e1) Pursuant to the request of five or more members of the Marine Fisheries Commission, its chairman may call an emergency meeting of the Commission to review: (1) a proposed issuance or issuance of proclamations under the authority delegated to the Secretary pursuant to (e) of this section, except those proclamations issued for reasons of public health; or (2) the need to issue a proclamation to allow the taking of certain fisheries resources in areas not opened through proclamations issued by the Secretary. At least 48 hours prior to any such meeting, a public announcement of the meeting shall be issued that describes the action requested by the members of the Commission; and the Department must make every reasonable effort to give actual notice of the meeting to persons who may be affected thereby. After its review is complete, the Marine Fisheries Commission, consistent with its duty to protect, preserve, and enhance the commercial and sports fisheries resources of the State, may (1) approve, cancel, or modify the proposed proclamation or issued proclamation under review; or (2) direct the Secretary to issue a proclamation that allows the taking of certain fisheries resources.

The variable conditions that affect such resource management decisions require that these emergency meetings and any resulting orders by the Commission be exempt from the provisions of Articles 2 and 3 of Chapter 150A. The decisions of the Marine Fisheries Commission shall be the final decision of the State and shall not be set aside on judicial review unless found to be arbitrary and capricious."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1983.