

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 589

Committee Substitute Favorable 4/15/93

Senate Agriculture, Marine Resources, and Wildlife Committee Substitute Adopted 7/15/94

Short Title: Fisheries Moratorium Amendments #2.

(Local)

Sponsors:

Referred to:

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 576 OF THE 1993 SESSION LAWS CONCERNING THE APPEALS PANEL DURING THE FISHERIES MORATORIUM.

The General Assembly of North Carolina enacts:

Section 1. Subsection (d) of Section 3 of Chapter 576 of the 1993 Session Laws (1994 Regular Session) reads as rewritten:

"(d) During the moratorium, there shall be an Appeals Panel to consider license applications for new licenses.

(1) The Appeals Panel shall consist of the ~~Fisheries Director~~, Director of the Division of Marine Fisheries of the Department of Environment, Health, and Natural Resources or the Director's designee, the ~~Chairman of the Marine Fisheries Commission~~, Commission or the Chairman's designee, and one other person selected by the Cochairs of the Joint Legislative Commission on Seafood and Aquaculture to review hardship or emergency license cases.

(2) The Marine Fisheries Commission shall adopt temporary rules to govern the operation of the Appeals Panel. The Appeals Panel is exempt from the provisions of Article 3 of Chapter 150B of the General Statutes. Decisions of the Appeals Panel shall be subject to

- 1 judicial review under the provisions of Article 4 of Chapter 150B of
2 the General Statutes.
- 3 (3) The Appeals Panel may grant a license if it finds that the denial of the
4 license application would create an emergency or hardship on the
5 individual or the State. In no event shall the Appeals Panel grant a
6 license when the total number of licenses in the specific category
7 would exceed the number of licenses in effect on June 30, 1994.
- 8 (4) The ~~Appeals Panel~~ Director of the Division of Marine Fisheries of the
9 Department of Environment, Health, and Natural Resources may grant
10 an emergency temporary license due to death, illness, or incapacity, for
11 a period not to exceed 30 days. Emergency temporary licenses shall
12 be limited to vessel crab licenses authorized under G.S. 113-153.1(d)."
13 Sec. 2. This act is effective upon ratification.