

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1048

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/26/99

House Committee Substitute Favorable 5/20/99

Short Title: Amend Fishery Resource Grant Program.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE A GRANTS COMMITTEE TO SET PRIORITIES FOR, REVIEW APPLICATIONS TO, AND AWARD GRANTS UNDER THE FISHERY RESOURCE GRANT PROGRAM AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO THE FISHERY RESOURCE GRANT PROGRAM STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-200 reads as rewritten:

**"§ 113-200. Fishery Resource Grant Program.**

(a) Creation. – There is created within the Sea Grant College Program at The University of North Carolina, the Fishery Resource Grant Program. The purpose of the program is to work within priorities established by the ~~Marine Fisheries Commission~~ Grants Committee to protect and enhance the State's coastal fishery resources through individual grants in the following areas:

(1) New fisheries equipment or ~~gear~~; gear.

(2) Environmental pilot studies, including water quality and fisheries ~~habitat~~; habitat.

(3) Aquaculture or mariculture of marine dependent ~~species~~; or species.

1 (4) Seafood technology.

2 (b) Definition; Annual Establishment of Priorities. – For purposes of this section,  
3 the term 'fishing related industry' means any of the following: (i) commercial fishing; (ii)  
4 recreational fishing; (iii) aquaculture; (iv) mariculture; and (v) handling of seafood  
5 products, including seafood dealing and seafood processing. The ~~Commission~~ Grants  
6 Committee shall, in cooperation with ~~fishermen,~~ persons involved in fishing related  
7 industries, the Division of Marine Fisheries, and the Sea Grant College Program,  
8 establish funding priorities effective July 1 of each year for the grant program. The  
9 adoption of priorities by the ~~Commission~~ shall not be considered rule making within the meaning  
10 of the Administrative Procedure Act. In adopting priorities, the Grants Committee is  
11 exempt from Article 2A of Chapter 150B of the General Statutes. The ~~Commission~~  
12 Grants Committee shall provide public notice of its proposed priorities at least 30 days  
13 before the ~~Commission~~ Grants Committee meeting prior to a final determination of its  
14 priorities for the fiscal year.

15 (c) Procedure to Solicit Proposals. – Following the establishment of priorities by  
16 the ~~Commission,~~ Grants Committee, the Sea Grant College Program shall hold workshops  
17 within each of the northern, southern, central, and Pamlico coastal regions to solicit  
18 applications and to assist persons involved in fishing related industries in writing  
19 proposals. For purposes of this act, the term 'fishing industry' includes persons involved in: (i)  
20 commercial or recreational fishing; (ii) aquaculture or mariculture; or (iii) handling fish products  
21 such as seafood dealers or processors. The Sea Grant College Program shall encourage  
22 preproposal conferences between individuals in the fisheries industry among persons  
23 involved in fishing related industries and those with technical or research background  
24 backgrounds to work as partners in developing and writing the proposals and in writing  
25 final report results. reports of final results. If the grants approved by the ~~Commission~~  
26 Grants Committee do not utilize all available funds, the Sea Grant College Program may  
27 advertise and solicit additional applications during the applicable fiscal year.

28 (d) Application for Grant Program. – An applicant may apply for grant funds to  
29 the Sea Grant College Program. For purposes of this subsection, every proposal shall  
30 include substantial involvement of active ~~North Carolina~~ persons residents of North  
31 Carolina who are actively involved in a fishing related industry. A proposal generated by  
32 a person not involved in a fishing related industry may be eligible for funding only if the  
33 proposal includes written endorsements supporting the project from persons or  
34 organizations representing fishing related industries. An application shall include, but not  
35 be limited to, the following: include:

36 (1) Name and address of the primary ~~applicant,~~ applicant.

37 (2) List of marine fishing licenses issued under Chapter 113 of the General  
38 Statutes to the applicant by the State of North ~~Carolina;~~ Carolina.

39 (3) A description of the ~~project;~~ project.

40 (4) A detailed statement of the projected costs of the project including the  
41 cost to plan and design the ~~project;~~ project.

42 (5) An explanation of how the project will enhance the fishery ~~resource;~~  
43 resource.

1 (6) List of names and addresses of any other persons who will participate in  
2 the ~~project, and project.~~

3 (7) Any other information necessary to make a recommendation on the  
4 application.

5 (e) Review Process. – The Sea Grant College Program shall conduct an  
6 anonymous peer review of all applications for fisheries grants. At least one of the peer  
7 reviewers shall be a person involved in a fishing related industry. Applications shall be An  
8 application is confidential and shall not be defined as is not a public record as defined under  
9 G.S. 132-1 until after the closing date for submission of applications. Following the  
10 review of all proposals, the Sea Grant College Program shall rank proposals in order of  
11 priority and shall present the recommendations to the Commission Grants Committee.  
12 Any criterion used by Sea Grant in ranking proposals shall not require rule making within the  
13 meaning of the Administrative Procedure Act, but such criteria shall be public records as defined  
14 in G.S. 132-1. The Sea Grant College Program may adopt criteria to rank proposals. In  
15 adopting criteria, the Sea Grant College Program is exempt from Article 2A of Chapter  
16 150B of the General Statutes. Criteria adopted pursuant to this subsection are public  
17 records within the meaning of G.S. 132-1.

18 (e1) Grants Committee. – The Grants Committee shall consist of eleven members  
19 as follows:

20 (1) Three employees of the Sea Grant College Program, appointed by the  
21 Director of the Sea Grant College Program.

22 (2) Two employees of the Division of Marine Fisheries, appointed by the  
23 Fisheries Director.

24 (3) Two members of the Marine Fisheries Commission, appointed by the  
25 Chair of the Marine Fisheries Commission.

26 (4) One member of the Northeast Regional Advisory Committee  
27 established pursuant to G.S. 143B-289.57(e), appointed by the  
28 Northeast Regional Advisory Committee.

29 (5) One member of the Central Regional Advisory Committee established  
30 pursuant to G.S. 143B-289.57(e), appointed by the Central Regional  
31 Advisory Committee.

32 (6) One member of the Southeast Regional Advisory Committee  
33 established pursuant to G.S. 143B-289.57(e), appointed by the  
34 Southeast Regional Advisory Committee.

35 (7) One member of the Inland Regional Advisory Committee established  
36 pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional  
37 Advisory Committee.

38 (f) Award Process. – ~~The Commission shall review the ranking of proposals, and~~  
39 ~~if consistent with the priority rankings established under subsection (e) of this section,~~  
40 ~~shall fund those proposals. The Grants Committee shall evaluate all grant proposals and~~  
41 ~~the results of the peer review and ranking conducted pursuant to subsection (e) of this~~  
42 ~~section. On the basis of this evaluation, the Grants Committee shall determine the~~  
43 ~~amount of funding, if any, to be awarded to each grant applicant. To the extent~~

1 practicable, the Grants Committee shall distribute grant funding among the northern,  
2 southern, central, and Pamlico coastal regions. ~~Applications-Proposals for projects that~~  
3 ~~include involvement by fishermen of persons involved in a fishing related industry in the~~  
4 ~~project shall be accorded a priority in funding by the Commission-Grants Committee.~~  
5 Following approval by the ~~Commission, Grants Committee,~~ the Sea Grant College  
6 Program shall award the grants. ~~To the extent practicable, the Sea Grant College~~  
7 ~~Program shall distribute grant funding among the northern, southern, central, and Pamlico~~  
8 ~~coastal regions.~~

9 (g) Restrictions on Grants. – No member of the ~~Commission-Grants Committee~~  
10 may benefit financially from a grant. If a grant recipient from a prior year has failed to  
11 perform a grant project to the satisfaction of the Sea Grant College Program or the  
12 ~~Commission, Grants Committee, the Sea Grant College Program-Grants Committee~~ may  
13 decline to fund any new application involving the principal applicant.

14 (h) Grant Reports and Funding. – Grant recipients shall provide quarterly progress  
15 reports to the Sea Grant College Program and shall submit invoices for expenditures for  
16 each quarter. Twenty-five percent (25%) of the total grant award shall be held until the  
17 grant recipient has completed the project and submitted a final written report. The  
18 remainder of the grant award shall be distributed upon approval of each quarterly report  
19 and upon verification of the expenditures.

20 (i) Report on Grant Program. – The Sea Grant College Program shall report on an  
21 ~~annual basis the Fishery Resource Grant Program~~ to the Marine Fisheries Commission and  
22 the Joint Legislative Commission on Seafood and ~~Aquaculture-Aquaculture~~ no later than  
23 January 1 of each year."

24 Section 2. The Sea Grant College Program shall submit the first report  
25 required by G.S. 113-200(i), as amended by Section 1 of this act, no later than January 1,  
26 2000.

27 Section 3. This act is effective when it becomes law.