

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 983

Short Title: 2013 Fisheries Economic Development Act. (Public)

Sponsors: Representatives Murry, Wray, Moffitt, and J. Bell (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development, if favorable, Finance, if favorable, Appropriations.

April 18, 2013

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS AS COASTAL GAME FISH; TO COMPENSATE COMMERCIAL FISHERMEN FOR CERTAIN LOSSES DUE TO COASTAL GAME FISH DESIGNATIONS; TO INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES; TO APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES OBSERVER PROGRAM; AND TO PROVIDE FUNDING FOR THE DREDGING OF SHALLOW DRAFT NAVIGATION CHANNELS.

Whereas, the State of North Carolina has one of the most diverse fisheries in the United States; and

Whereas, the General Assembly recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State and thereby properly earn a livelihood; and

Whereas, the General Assembly recognizes the economic contribution and important heritage of traditional full-time and part-time commercial fishing; and

Whereas, the General Assembly recognizes that for many citizens fishing is an important recreational activity and that recreational fishing is a source of great personal enjoyment and satisfaction; and

Whereas, the General Assembly recognizes the importance of providing plentiful fishery resources to maintain and enhance tourism as a major contributor to the economy of the State; and

Whereas, the General Assembly recognizes the need to protect our coastal fishery resources and to balance the commercial and recreational interests through better management of these resources; and

Whereas, the General Assembly recognizes the vital importance of safe, navigable coastal waterways to recreational and commercial fishing, coastal tourism, and recreational boating; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. DESIGNATION OF COASTAL GAME FISH; MITIGATION PAYMENTS; INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES

SECTION 1. Article 15 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-192. Coastal game fish.



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1 (a) Designation. – The General Assembly hereby designates all of the following species
2 as coastal game fish:

3 (1) Red drum (*Sciaenops ocellatus*) is designated as a coastal game fish for all
4 coastal fishing waters.

5 (2) Spotted sea trout (*Cynoscion nebulosus*) is designated as a coastal game fish
6 for all coastal fishing waters.

7 (3) Striped bass (*Morone saxatilis*) is designated as a coastal game fish for all
8 coastal fishing waters except for the Atlantic Ocean.

9 (b) Requirements. – Species designated as coastal game fish under subsection (a) of this
10 section are subject to all of the following requirements:

11 (1) In coastal fishing waters where they have been designated as a coastal game
12 fish, they may only be taken by hook-and-line.

13 (2) Except as provided in subsection (c) of this section, they may not be bought,
14 sold, bartered, or exchanged.

15 (3) Except as provided in subsection (c) of this section, they may not be
16 possessed for the purpose of purchase, sale, barter, exchange, or for transport
17 or shipment in commerce within the State or for export from the State.

18 (c) Exceptions. – The purchase, sale, barter, exchange, possession, and transport of
19 species designated as coastal game fish under subsection (a) of this section is allowed under
20 any of the following circumstances:

21 (1) The fish are lawfully raised in an aquaculture operation.

22 (2) The fish are lawfully imported from a State without a game fish designation.

23 (3) The fish are lawfully purchased for sale by a restaurant.

24 (4) The fish are possessed by an individual, including an individual customer of
25 a guided trip, who possesses the fish within the individual's lawful daily
26 limit and for the individual's personal use."

27 **SECTION 2.(a)** Notwithstanding G.S. 113-175.1, the Marine Fisheries
28 Commission shall make mitigation payments from the North Carolina Marine Resources Fund
29 to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate
30 actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by
31 Section 1 of this act.

32 **SECTION 2.(b)** Subject to the limitation contained in subsection (c) of this
33 section, the Marine Fisheries Commission shall make mitigation payments for all of the
34 following:

35 (1) The average annual income to a commercial fisherman from the sale of fish
36 designated as coastal game fish under G.S. 113-192, as enacted by Section 1
37 of this act, over the period 2010 through 2012. The Marine Fisheries
38 Commission shall make an annual payment in this amount to an eligible
39 commercial fisherman in the years 2014, 2015, and 2016.

40 (2) The 2012 value of commercial fishing gear used in 2012 to exclusively take
41 fish designated as coastal game fish under G.S. 113-192, as enacted by
42 Section 1 of this act. The Marine Fisheries Commission shall make this
43 payment in 2014.

44 **SECTION 2.(c)** Payments made under this section shall be limited to a total of one
45 million dollars (\$1,000,000).

46 **SECTION 2.(d)** The Marine Fisheries Commission may adopt any rules necessary
47 for the implementation of this section.

48 **SECTION 3.** G.S. 113-174.2(c) reads as rewritten:

49 "(c) **Types of CRFLs; Fees; Duration.** – The Wildlife Resources Commission shall issue
50 the following CRFLs:

- 1 (1) Annual Resident CRFL. – ~~\$15.00–\$20.00~~. This license is valid for a period
2 of one year from the date of issuance. This license shall be issued only to an
3 individual who is a resident of the State.
- 4 (1a) Annual Nonresident CRFL. – ~~\$30.00–\$40.00~~. This license is valid for a
5 period of one year from the date of issuance. This license shall be issued
6 only to an individual who is not a resident of the State.
- 7 (2) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 8 (3) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 9 (4) Ten-Day Resident CRFL. – ~~\$5.00–\$10.00~~. This license is valid for a period
10 of 10 consecutive days, as indicated on the license. This license shall be
11 issued only to an individual who is a resident of the State.
- 12 (4a) Ten-Day Nonresident CRFL. – ~~\$10.00–\$20.00~~. This license is valid for a
13 period of 10 consecutive days, as indicated on the license. This license shall
14 be issued only to an individual who is not a resident of the State.
- 15 (5) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 16 (6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this
17 subdivision, CRFLs issued under this subdivision are valid for the lifetime of
18 the licensee.
- 19 a. –d. Repealed by Session Laws 2005-455, s. 1.4, effective January 1,
20 2007.
- 21 e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to
22 an individual younger than one year of age.
- 23 f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to
24 an individual who is one year of age or older but younger than 12
25 years of age.
- 26 g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be
27 issued only to an individual who is 12 years of age or older but
28 younger than 65 years of age and who is a resident of the State.
- 29 h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be
30 issued only to an individual who is 12 years of age or older and who
31 is not a resident of the State.
- 32 i. Resident Age 65 Lifetime CRFL. – \$15.00. This license shall be
33 issued only to an individual who is 65 years of age or older and who
34 is a resident of the State.
- 35 j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be
36 issued only to an individual who is a resident of the State and who is
37 a fifty percent (50%) or more disabled veteran as determined by the
38 United States Department of Veterans Affairs. This license remains
39 valid for the lifetime of the licensee so long as the licensee remains
40 fifty percent (50%) or more disabled.
- 41 k. Resident Totally Disabled CRFL. – \$10.00. This license shall be
42 issued only to an individual who is a resident of the State and who is
43 totally and permanently disabled as determined by the Social
44 Security Administration."
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46 PART II. APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES 47 OBSERVER PROGRAM

48 SECTION 4. There is appropriated from the General Fund to the Division of
49 Marine Fisheries of the Department of Environment and Natural Resources the sum of one
50 million three hundred thousand dollars (\$1,300,000) in nonrecurring funds for the 2013-2014

1 fiscal year to be used for the administration and implementation of the Marine Fisheries
2 Observer Program.

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4 **PART III. FUNDING FOR DREDGING OF SHALLOW DRAFT NAVIGATION**
5 **CHANNELS**

6 **SECTION 5.(a)** G.S. 105-449.126 reads as rewritten:

7 "**§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources**
8 **Fund, Fund and Shallow Draft Navigation Channel Dredging Fund.**

9 (a) The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent
10 (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is
11 from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this
12 section may be used only for the boating and water safety activities described in G.S. 75A-3(c).
13 The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis.

14 (b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging Fund
15 one-half of one percent (1/2 of 1%) of the amount that is allocated to the Highway Fund under
16 G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Shallow
17 Draft Navigation Channel Dredging Fund under this section may be used only for the dredging
18 activities described in G.S. 143-215.73F. The Secretary must credit revenue to the Shallow
19 Draft Navigation Channel Dredging Fund on an annual basis."

20 **SECTION 5.(b)** Article 21 of Chapter 143 of the General Statutes is amended by
21 adding a new Part to read:

22 "Part 8B. Shallow Draft Navigation Channel Dredging Fund.

23 "**§ 143-215.73F. Shallow Draft Navigation Channel Dredging Fund.**

24 The Shallow Draft Navigation Channel Dredging Fund is established as a special revenue
25 fund. The Fund consists of fees credited to it under G.S. 105-449.126. Revenue in the Fund
26 may only be used to provide the State's share of the costs associated with any dredging project
27 designed to keep a shallow draft navigation channel located in State waters navigable and safe.
28 Any project funded by revenue from the Fund must be cost-shared with non-State dollars on a
29 one-to-one basis. For purposes of this section, "shallow draft navigation channel" means (i) a
30 waterway connection, with a maximum depth of 14 feet, between the Atlantic Ocean and a bay
31 or the Atlantic Intracoastal Waterway; (ii) a river entrance to the Atlantic Ocean through which
32 tidal and other currents flow; or (iii) other interior coastal waterways. "Shallow draft navigation
33 channel" includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor,
34 Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels
35 connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay,
36 including Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson,
37 Shallotte River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort
38 Harbor."

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40 **PART IV. EFFECTIVE DATE**

41 **SECTION 6.** This act becomes effective July 1, 2013.