

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 202\*  
House Committee Substitute Favorable 4/11/01**

Short Title: Amend Fisheries Laws.

(Public)

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Sponsors:

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Referred to:

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February 22, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT  
3 PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING  
4 PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE  
5 FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON  
6 ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER  
7 THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES  
8 COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE  
9 COMMISSION ON SEAFOOD AND AQUACULTURE.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 113-182.1(d) reads as rewritten:

12 "(d) Each Fishery Management Plan shall be ~~revised~~ reviewed at least once every  
13 ~~three~~ five years. The Marine Fisheries Commission may revise the Priority List and  
14 guidance criteria whenever it determines that a revision of the Priority List or guidance  
15 criteria will facilitate or improve the development of Fishery Management Plans or is  
16 necessary to restore, conserve, or protect the marine and estuarine resources of the State.  
17 The Marine Fisheries Commission may not revise the Schedule for the development of  
18 a Fishery Management Plan, once adopted, without the approval of the Secretary of  
19 Environment and Natural Resources."

20 **SECTION 2.** Section 6.15 of S.L. 1997-400 reads as rewritten:

21 "Section 6.15. Sections 1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 5.5, 5.6, 5.8, 6.2, 6.7, 6.10,  
22 6.11, 6.12, 6.13, and 6.15 of this act are effective when this act becomes law. Sections  
23 2.1, 4.4, 5.3, 6.3, 6.4, 6.5, 6.6, and 6.8 of this act become effective 1 September 1997.  
24 Sections 4.1, 4.2, and 4.3 of this act become effective 1 September 1997 and apply to  
25 violations and offenses on or after 1 September 1997. Section 1.2 of this act is effective  
26 retroactively as of 1 March 1997. Sections 6.1 and 6.14 of this act become effective 15  
27 August 1997. Sections 3.1, 3.2, 3.3, 3.4, 3.5, and 6.9 of this act become effective 1 July  
28 1998. Sections 2.2, 5.1, 5.2, 5.4, and 5.7 of this act become effective 1 July 1999.  
29 Section 4.5 of this act becomes effective 1 July 1999 and applies to violations and

1 offenses on or after 1 July 1999. Sections 5.1 and 5.2 of this act expire 1 September  
2 2003."

3 **SECTION 3.** Section 5.6 of S.L. 1998-225 reads as rewritten:

4 "Section 5.6. Sections 1.3, 1.5, 1.8, 2.1, 3.2, 3.8, 4.4, 4.5, 4.23, 5.1, 5.2, 5.3, 5.4, 5.5,  
5 and 5.6 of this act are effective when this act becomes law. Sections 3.7 and 3.9 of this  
6 act become effective December 1, 1998, and apply to offenses committed on or after  
7 that date. Sections 1.4, 3.3, 3.4, 3.10, 4.1, 4.2, 4.3, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15,  
8 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.24 become effective July 1, 1999. Section  
9 4.6 is effective retroactively to August 14, 1997. Sections 1.1, 1.2, 1.6, 1.7, 3.1, 3.5, 3.6,  
10 4.7, and 4.8 are effective retroactively to September 1, 1997. Section 4.15 expires  
11 September 1, 2003."

12 **SECTION 4.** Section 3 of Chapter 547 of the 1995 Session Laws, Regular  
13 Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995  
14 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session  
15 Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347;  
16 Section 6.14 of S.L. 1997-400; Section 15 of S.L. 1998-23; Section 1 of S.L. 1998-56;  
17 and Section 1 of S.L. 1999-209, reads as rewritten:

18 "Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation  
19 leases shall be imposed in the remaining area of Core Sound not described in Section 1  
20 of this act. During the moratorium, a comprehensive study of the shellfish lease  
21 program shall be conducted. The moratorium established under this section covers that  
22 part of Core Sound bounded by a line beginning at a point on Cedar Island at  
23 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N -  
24 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at  
25 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at  
26 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N -  
27 76°31'12"W, thence following the shoreline in a northerly direction to the point of  
28 beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the  
29 Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~October~~  
30 ~~1, 2004.~~ October 1, 2002."

31 **SECTION 5.** G.S. 143B-289.54(d) reads as rewritten:

32 "(d) Terms. – The term of office of members of the Commission is three years. A  
33 member may be reappointed to any number of successive three-year terms. Upon the  
34 expiration of a three-year term, a member shall continue to serve until a successor is  
35 appointed and duly qualified as provided by G.S. 128-7. The term of members  
36 appointed under subdivisions (1), ~~(2), and (3)~~ (4), and (7) of subsection (a) of this  
37 section shall expire on 30 June of years evenly divisible by three. The term of members  
38 appointed under subdivisions ~~(4), (5), and (6)~~ (2), (5), and (8) of subsection (a) of this  
39 section shall expire on 30 June of years that precede by one year those years that are  
40 evenly divisible by three. The term of members appointed under subdivisions ~~(7), (8),~~  
41 ~~(3), (6),~~ and (9) of subsection (a) of this section shall expire on 30 June of years that  
42 follow by one year those years that are evenly divisible by three."

1           **SECTION 6.** In order to alter the schedule of staggered terms of three years  
2 for the Marine Fisheries Commission and to provide for an orderly transition in  
3 membership of the Commission as specified in G.S. 143B-289.54, as amended by  
4 Section 1 of this act, notwithstanding G.S. 143B-289.54(d), the following provisions  
5 apply:

- 6           (1) Willy Phillips shall serve in the position established by G.S.  
7           143B-289.54(a)(1) through June 30, 2001.
- 8           (2) Robert Southerland shall serve in the position established by G.S.  
9           143B-289.54(a)(2) through June 30, 2001. The term of the individual  
10           next appointed to fill this position shall be for two years and shall  
11           expire June 30, 2003.
- 12           (3) Jimmy Johnson shall serve in the position established by G.S.  
13           143B-289.54(a)(3) for a term of four years through June 30, 2002.
- 14           (4) Norman F. Bradford, Jr., shall serve in the position established by G.S.  
15           143B-289.54(a)(4) for a term of four years through June 30, 2004.
- 16           (5) William T. Russ, Jr., shall serve in the position established by G.S.  
17           143B-289.54(a)(5) through June 30, 2003.
- 18           (6) Benjamin Currin shall serve in the position established by G.S.  
19           143B-289.54(a)(6) through June 30, 2003. The term of the individual  
20           next appointed to fill this position shall be for two years and shall  
21           expire June 30, 2005.
- 22           (7) Barbara Garrity-Blake shall serve in the position established by G.S.  
23           143B-289.54(a)(7) through June 30, 2002. The term of the individual  
24           next appointed to fill this position shall be for two years and shall  
25           expire June 30, 2004.
- 26           (8) Bryan Gillikin shall serve in the position established by G.S.  
27           143B-289.54(a)(8) for a term of four years through June 30, 2003.
- 28           (9) B.J. Copeland shall serve in the position established by G.S.  
29           143B-289.54(a)(9) through June 30, 2002.

30           **SECTION 7.** Sections 1 and 7 of this act are effective when it becomes law.  
31 Sections 2 through 4 of this act become effective July 1, 2001. Sections 5 and 6 of this  
32 act become effective June 30, 2001.