

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 315  
Second Edition Engrossed 3/29/89

Short Title: Aquaculture Dev't. Act.

(Public)

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Sponsors: Senators Basnight; and Barker.

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Referred to: Marine Resources.

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March 1, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE DEVELOPMENT OF AQUACULTURE IN  
3 NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 106 of the General Statutes is amended by adding a new  
6 article to read:

7 **"ARTICLE 63.**

8 **"AQUACULTURE DEVELOPMENT ACT.**

9 **"§ 106-756. Legislative findings and purpose.**

10 The General Assembly finds and declares that it is in the best interest of the citizens  
11 of North Carolina to promote and encourage the development of the State's  
12 acquacultural resources in order to augment food supplies, expand employment,  
13 promote economic activity, increase stocks of native aquatic species, enhance  
14 commercial and recreational fishing and protect and better use the land and water  
15 resources of the State.

16 **"§ 106-757. Short title.**

17 This Article shall be known as the Aquaculture Development Act.

18 **"§ 106-758. Definitions.**

19 As used in this Article,

- 20 (1) 'Aquaculture' means the propagation and rearing of aquatic species in  
21 controlled or selected environments, including, but not limited to,  
22 ocean ranching;

1           (2) 'Aquaculture facility' means any land, structure or other appurtenance  
2 that is used for aquaculture, including, but not limited to, any  
3 laboratory, hatchery, rearing pond, raceway, pen, incubator, or other  
4 equipment used in aquaculture;

5           (3) 'Aquatic species' means any species of finfish, mollusk, crustacean, or  
6 other aquatic invertebrate, amphibian, reptile, or aquatic plant, and  
7 including, but not limited to, 'fish' and 'fishes' as defined in G.S. 113-  
8 129(f);

9           (4) 'Commissioner' means the Commissioner of Agriculture;

10          (5) 'Department' means the North Carolina Department of Agriculture.

11 **"§ 106-759. Lead agency; powers and duties.**

12          (a) For the purposes of this Article, aquaculture is considered to be a form of  
13 agriculture and thus the Department of Agriculture is designated as the lead State  
14 agency in matters pertaining to aquaculture.

15          (b) The Department shall have the following powers and duties:

16           (1) To provide aquaculturalists with information and assistance in  
17 obtaining permits related to aquacultural activities;

18           (2) To promote investment in aquaculture facilities in order to expand  
19 production and processing capacity; and

20           (3) To work with appropriate State and federal agencies to review,  
21 develop and implement policies and procedures to facilitate  
22 aquacultural development.

23 **"§ 106-760. Advisory Board.**

24          (a) There is created within the Department of Agriculture the Aquaculture  
25 Advisory Board, to consist of the following persons:

26           (1) The Commissioner of Agriculture, or his designee;

27           (2) The Secretary of Commerce, or his designee;

28           (3) The Secretary of Natural Resources and Community Development, or  
29 his designee;

30           (4) The President of the North Carolina Biotechnology Center, or his  
31 designee;

32           (5) The President of The University of North Carolina, or his designee;

33           (6) One Senator designated by the President Pro Tempore of the Senate;  
34 and

35           (7) One Representative designated by the Speaker of the House of  
36 Representatives.

37          (b) The Commissioner of Agriculture or his designee shall serve as Chairman of  
38 the Board. A majority of the Board shall constitute a quorum for the transaction of  
39 business. Clerical and other assistance shall be provided by the Department of  
40 Agriculture. The Commissioner may appoint advisory committees, pursuant to G.S.  
41 143B-10(d), to assist the Board in carrying out its duties.

42          (c) The Board shall review State and federal policies, laws and regulations  
43 affecting aquaculture and recommend changes which may be necessary or useful to  
44 carry out the purposes of this Article. The Board shall present its recommendations to

1 the Governor and the General Assembly. The Board shall also assist in the coordination  
2 of aquaculture-related activities of the various State agencies and institutions, and shall  
3 coordinate research and technology transfer activities to respond to the emerging  
4 requirements of aquaculture."

5           Sec. 2. There is appropriated from the General Fund to the Department of  
6 Agriculture the sum of one hundred eighty-six thousand one hundred sixty-two dollars  
7 (\$186,162) for the 1990-91 fiscal year for the implementation and administration of this  
8 act.

9           Sec. 3. Section 2 of this act shall become effective July 1, 1990. The  
10 remainder of this act is effective upon ratification.