

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 is committed to the continued viability of both recreational and commercial fishing industries in the State; and

Whereas, the General Assembly intends that the commercial fishing industry be allowed to continue to take fish by means of all methods traditionally employed in commercial fishing operations, including the use of nets and trawls; and

Whereas, the General Assembly finds that in order to protect coastal fishery resources, it is essential that the recreational as well as the commercial fishing sectors provide data on use of fishery resources for the development of scientifically valid plans to manage fishery resources; and

Whereas, the General Assembly finds that it is essential to the success of efforts to better manage fishery resources that both the recreational and commercial fishing sectors are involved in and support these efforts; Now, therefore,

The General Assembly of North Carolina enacts:

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

“ARTICLE 14B.

“COASTAL RECREATIONAL FISHING LICENSES.

“§ 113-174. Definitions.

As used in this Article:

(1) ‘Commission’ means the Marine Fisheries Commission.

(2) ‘CRFL’ means Coastal Recreational Fishing License.

(3) ‘Division’ means the Division of Marine Fisheries in the Department of Environment and Natural Resources.

(4) ‘North Carolina resident’ means a person who is a resident within the meaning of G.S. 113-130(4).

(5) ‘RCGL’ means Recreational Commercial Gear License.

(6) ‘Recreational fishing’ means any activity preparatory to, during, or subsequent to the taking of any fish, the taking of which is subject to regulation by the Commission, by any means:

a. That does not constitute a commercial fishing operation as defined in G.S. 113-168.

b. Except as provided in G.S. 113-261.

(7) ‘RSCFL’ means Retired Standard Commercial Fishing License issued pursuant to G.S. 113-168.3.

(8) ‘SCFL’ means Standard Commercial Fishing License issued pursuant to G.S. 113-168.2.

“§ 113-174.1. General provisions governing licenses.

(a) License Required to Engage in Recreational Fishing. – It is unlawful for any person to engage in recreational fishing in coastal fishing waters without holding a license required by this Article. It is unlawful for any person to engage in recreational

1 fishing without complying with the provisions of this Article and rules adopted by the
2 Commission under this Article.

3 (b) Sale of Fish Prohibited. – A license issued under this Article does not
4 authorize a person who takes or lands any species of fish under the authority of the
5 Commission to sell, offer for sale, barter, or exchange the fish for anything of value.
6 Except as provided in G.S. 113-168.4, it is unlawful for any person who takes or lands
7 any species of fish under the authority of the Commission by any means to sell, offer for
8 sale, barter, or exchange these fish for anything of value.

9 (c) Assignment and Transfer Prohibited. – Except as provided in G.S. 113-
10 174.2(f)(1) and G.S. 113-174.3(e)(1), it is unlawful to buy, sell, lend, borrow, assign, or
11 otherwise transfer a license issued under this Article or to attempt to buy, sell, lend,
12 borrow, assign, or otherwise transfer a license issued under this Article.

13 (d) Format. – A license issued under this Article shall be issued in the name of the
14 applicant. A license shall show the type of license; the name, mailing address, physical
15 or residence address, and date of birth of the licensee; the date on which the license is
16 issued; the date on which the license expires; and any other information that the
17 Commission or the Division determines to be necessary to accomplish the purposes of
18 this Subchapter.

19 (e) Licenses Available for Inspection. – It is unlawful for any person to engage in
20 recreational fishing in coastal fishing waters in the State without having ready at hand for
21 inspection all licenses required under this Article. It is unlawful for a person to refuse to
22 exhibit any license required by this Article upon the request of an inspector or other law
23 enforcement officer authorized to enforce federal or State laws, regulations, or rules
24 relating to marine fisheries.

25 (f) Replacement Licenses. – The Division shall issue a replacement license to a
26 licensee for a license that has not been suspended or revoked. A licensee may apply for a
27 replacement license for a license that has been lost, stolen, or destroyed and shall apply
28 for a replacement license within 30 days of a change in the licensee's name or address. A
29 licensee may apply for a replacement license in person at any office of the Division or by
30 mail to the Morehead City office of the Division. A licensee may use a copy of the
31 application for a replacement license that has been filed with the Division as a temporary
32 license until the licensee receives the replacement license. The Commission may
33 establish a fee for each type of replacement license, not to exceed five dollars (\$5.00),
34 that compensates the Division for the administrative costs associated with issuing the
35 replacement license.

36 (g) No Dual Residency. – It is unlawful for any person to hold any license issued
37 under this Article to the person as a North Carolina resident if that person holds any
38 commercial or recreational fishing license issued by another state to the person as a
39 resident of that state.

40 (h) Limitations on Eligibility. – A person is not eligible to obtain a license under
41 G.S. 113-174.3 if, at the time the person applies for the license, any other license or
42 endorsement issued to the person under G.S. 113-174.3 or Article 14A of Chapter 113 of
43 the General Statutes is suspended or revoked. A person is not eligible to obtain a license

1 under G.S. 113-174.3 if, within the three years prior to the date of application, the person
2 has been determined to be responsible for four or more violations of State laws,
3 regulations, or rules governing the management of marine and estuarine resources. An
4 applicant for a license under G.S. 113-174.3 shall certify that the applicant has not been
5 determined to be responsible for four or more violations of State laws, regulations, or
6 rules governing the management of marine and estuarine resources during the previous
7 three years. The Division may also consider violations of federal law and regulations
8 governing the management of marine and estuarine resources in determining whether an
9 applicant is eligible for a license.

10 (i) Cancellation. – The Division may cancel a license issued on the basis of an
11 application that contains false information supplied by the applicant. A cancelled license
12 is void from the date of issuance. A person in possession of a cancelled license shall
13 surrender the cancelled license to the Division. It is unlawful to refuse to surrender a
14 cancelled license upon demand of any authorized agent of the Division.

15 (j) Reporting Requirements. – The holder of a license issued under this Article
16 shall comply with the biological data sampling and survey programs of the Commission
17 and the Division.

18 **"§ 113-174.2. Coastal Recreational Fishing License.**

19 (a) License Required. – Except as otherwise provided in this Article, it is unlawful
20 for any person to engage in recreational fishing in coastal fishing waters by means of
21 recreational gear without holding a CRFL issued under this section. It is unlawful for any
22 person licensed under this section or fishing under a CRFL to possess fish in excess of
23 recreational possession limits.

24 (b) Purchase; Renewal. – Any license issued under this section may be purchased
25 at designated offices of the Division or from the Division by mail. A license issued under
26 subdivisions (1) and (2) of subsection (c) of this section may also be purchased through a
27 license agent authorized under G.S. 113-174.5. Any license issued under this section
28 may be renewed by mail.

29 (c) Types of CRFLs; Fees; Duration. – The Division shall issue the following
30 CRFLs:

31 (1) Standard CRFL. – \$7.50. This license is valid for a period of one year
32 from the date of issuance.

33 (2) Ten-Day CRFL. – \$5.00. This license is valid for a period of 10 days.

34 (3) Subsistence CRFL. – An applicant for a license under this subdivision
35 shall provide documentation to the Division to demonstrate that the
36 applicant takes fish solely for the purpose of direct consumption by the
37 individual and the members of the individual's household in
38 circumstances where fish constitutes a substantial portion of the diet of
39 the individual and the household. A license issued under this
40 subdivision shall be issued without charge and is valid for one year from
41 the date of issuance.

42 (4) Lifetime CRFL. – This license is valid for the lifetime of the licensee.
43 The fee for the Lifetime CRFL, based on the age of the prospective

licensee as of the date on which the application is filed with the Division, is:

- a. Younger than six years of age \$100.00
- b. Between six and 11 years of age \$150.00
- c. Between 11 and 17 years of age \$200.00
- d. Between 17 and 65 years of age \$250.00

(5) Permanently Handicapped or Disabled Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is permanently handicapped or disabled. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(6) Disabled Veteran Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is a fifty percent (50%) or more disabled war veteran as determined by the United States Department of Veterans Affairs. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(7) Legally Blind Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is legally blind. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(d) Private Boat Blanket CRFL. – The owner of a boat that is not used to take people fishing for hire may purchase a Private Boat Blanket CRFL. The Private Boat Blanket CRFL entitles all persons on the boat who do not hold a CRFL to engage in recreational fishing by means of recreational gear. It shall be unlawful for the owner of a private boat who does not hold a Private Boat Blanket CRFL to allow any person on the boat who does not hold a CRFL to engage in recreational fishing by means of recreational gear. This license is valid for a period of one year from the date of issuance. The fee for a Private Boat Blanket CRFL, based on the length of the vessel, is one dollar (\$1.00) per foot.

(e) Charter/Head/Dive Boat Blanket CRFL. – A person who operates a charter boat, head boat, or dive boat may purchase a Charter/Head/Dive Boat Blanket CRFL. The Charter/Head/Dive Boat Blanket CRFL entitles all persons on the boat who do not hold a CRFL to engage in recreational fishing by means of recreational gear. It shall be unlawful for the owner of a charter, head, or dive boat who does not hold a Charter/Head/Dive Boat Blanket CRFL to allow any person on the boat who does not hold a CRFL to engage in recreational fishing by means of recreational gear. This license is valid for a period of one year from the date of issuance. The fee for a Charter/Head/Dive Boat Blanket CRFL is:

- (1) Vessel of 18 feet or less \$1.50 per foot in length
- (2) Vessel of greater than 18 feet \$2.25 per foot

1 in length but less than 38 feet

2 in length

3 (3) Vessel of 38 feet or greater \$4.50 per foot

4 in length

5 (f) Ocean Fishing Pier Blanket CRFL. – A person who owns or operates an ocean
6 fishing pier and who charges a fee to allow a person to engage in recreational fishing by
7 means of recreational gear from the pier shall purchase an Ocean Fishing Pier Blanket
8 CRFL. An applicant for an Ocean Fishing Pier Blanket CRFL shall disclose the names of
9 all parties involved in the pier operation, including the owner of the property, the owner
10 of the pier if different, and all leasehold or other corporate arrangements, and all persons
11 with a substantial financial interest in the pier. The Ocean Fishing Pier Blanket CRFL
12 entitles all persons on the pier who do not hold a CRFL to engage in recreational fishing
13 by means of recreational gear. This license is valid for a period of one year from the date
14 of issuance. The fee for an Ocean Fishing Pier Blanket CRFL is one dollar (\$1.00) per
15 linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the
16 mean high waterline. The length of the pier shall be measured to include all extensions
17 of the pier. Within 30 days following a change of ownership of a pier, or a change as to
18 the manager, the manager or new manager shall secure a replacement pier license as
19 provided in G.S. 113-174.1(f).

20 (g) Exemptions. – A person may engage in recreational fishing by means of
21 recreational gear without holding a CRFL if the person:

22 (1) Is under 16 years of age.

23 (2) Is 65 years of age or older.

24 (3) Holds a SCFL or a RSCFL.

25 (4) Holds a Private Boat Blanket CRFL.

26 (5) Engages in recreational fishing from the shore or from a shore-based
27 structure.

28 (h) If a state that requires a license to engage in recreational fishing by means of
29 recreational gear recognizes through statute, rule, or reciprocal agreement the validity of
30 a CRFL within its boundaries, North Carolina shall recognize the validity of a license to
31 engage in recreational fishing by means of recreational gear held by a resident of that
32 state.

33 **"§ 113-174.3. Recreational Commercial Gear License.**

34 (a) License Required. – Except as provided in subsection (e) of this section, it is
35 unlawful for any person to engage in recreational fishing by means of commercial fishing
36 equipment or gear in coastal fishing waters without holding a RCGL. The RCGL entitles
37 the licensee to use authorized commercial gear to take fish for personal use subject to
38 recreational possession limits. It is unlawful for any person licensed under this section or
39 fishing under a RCGL to possess fish in excess of recreational possession limits.

40 (b) Authorized Commercial Gear. – The Commission shall adopt rules authorizing
41 the use of a limited amount of commercial fishing equipment or gear for recreational
42 fishing under a RCGL. The Commission may authorize the limited use of commercial
43 gear on a uniform basis in all coastal fishing waters or may vary the limited use of

1 commercial gear within specified areas of the coastal fishing waters. The Commission
2 shall periodically evaluate and revise the authorized use of commercial gear for
3 recreational fishing. Authorized commercial gear shall be identified by visible colored
4 tags or other means specified by the Commission in order to distinguish between
5 commercial gear used in a commercial fishing operation as defined in G.S. 113-168 and
6 commercial gear used for recreational fishing.

7 (c) Purchase; Renewal. – A RCGL may be purchased at designated offices of the
8 Division and from a license agent authorized under G.S. 113-174.5. A RCGL may be
9 renewed by mail.

10 (d) Duration; Fees. – The RCGL shall be valid for a one-year period from the date
11 of purchase. The fee for a RCGL for a North Carolina resident shall be thirty-five dollars
12 (\$35.00). The fee for a RCGL for an individual who is not a North Carolina resident shall
13 be two hundred fifty dollars (\$250.00).

14 (e) Exemptions. –

15 (1) A person who is under 16 years of age may engage in recreational
16 fishing by means of authorized commercial gear without holding a
17 RCGL if the person is accompanied by a parent, grandparent, or
18 guardian who holds a valid RCGL or if the person has in the person's
19 possession a valid RCGL issued to the person's parent, grandparent, or
20 guardian.

21 (2) A person may engage in recreational fishing for crabs by means of one
22 or more crab pots attached to the shore along privately owned land or to
23 a privately owned pier without holding a RCGL provided that the crab
24 pots are attached with the permission of the owner of the land or pier.

25 (3) A person who is on a vessel may engage in recreational fishing by
26 means of authorized commercial gear without holding a RCGL if there
27 is another person on the vessel who holds a valid RCGL. This
28 exemption does not authorize the use of commercial gear in excess of
29 that authorized for use by the person who holds the valid RCGL or, if
30 more than one person on the vessel holds a RCGL, in excess of that
31 authorized for use by those persons.

32 (4) A person using nonmechanical means may take shellfish for personal
33 use within the limits specified in G.S. 113-169.2(i) without holding a
34 RCGL.

35 (5) A person may take fish for recreational purposes by means of a gig
36 without holding a RCGL.

37 **§ 113-174.4. Sealife Enhancement Fund.**

38 (a) Definitions. – As used in this section:

39 (1) 'Fund' means the Sealife Enhancement Fund.

40 (2) 'License revenues' means the net proceeds from the sale of licenses
41 issued under G.S. 113-174.2 and interest earned from the investment of
42 license proceeds. The term includes funds realized from the sale, lease,
43 rental, or other grant of rights to real or personal property acquired or

1 produced with license revenues and federal aid project reimbursements
2 to the extent that license revenues originally funded the project for
3 which the reimbursement is made.

4 (b) Sealife Enhancement Fund Established. – The Sealife Enhancement Fund is
5 established as a special nonreverting fund within the Department. License revenues shall
6 be deposited in the Fund. The State Treasurer shall invest the assets of the Fund in
7 accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The Commission
8 shall administer the Fund with the advice of the Sealife Enhancement Advisory
9 Committee.

10 (c) Allocation of Moneys From the Fund. – The Secretary shall disburse moneys
11 from the Fund only upon the written direction of the Commission. The Commission shall
12 use the moneys that accrue to the Fund in each fiscal year for the administration and
13 enforcement of the provisions of Subchapter IV of Chapter 113 of the General Statutes
14 related to marine fisheries as follows:

- 15 (1) Resource and habitat enhancement. – Not less than forty percent (40%)
16 of the moneys in the Fund shall be used for resource and habitat
17 enhancement, including, but not limited to, artificial reef construction,
18 restoration and enhancement of submerged aquatic vegetation,
19 acquisition of land or an interest in land that provides for the
20 preservation of critical fisheries habitat, and studies used in the
21 development of a Fishery Management Plan or a Coastal Habitat
22 Protection Plan.
- 23 (2) Law enforcement. – Not more than fifteen percent (15%) of the moneys
24 in the Fund shall be used for law enforcement.
- 25 (3) Marine fisheries research. – Not less than twenty-five percent (25%) of
26 the moneys in the Fund shall be used for marine fisheries research,
27 including, but not limited to, life history studies of commercially or
28 recreationally significant marine and estuarine species or fisheries,
29 sampling and statistical studies, data collection and analysis, fisheries
30 habitat studies, commercial and recreational discard mortality studies,
31 and studies used in the development of a Fishery Management Plan or a
32 Coastal Habitat Protection Plan.
- 33 (4) Grants. – Not more than five percent (5%) of the moneys in the Fund
34 shall be used to fund grants for coastal fishing programs, projects, and
35 scholarships.
- 36 (5) Administration. – Not more than ten percent (10%) of the moneys,
37 exclusive of the license agent fees, in the Fund shall be used for
38 administrative costs.
- 39 (6) Public education and information. – Not less than five percent (5%), but
40 no more than ten percent (10%) of the moneys in the Fund, shall be used
41 for public education and information.

1 (d) Sealife Enhancement Advisory Committee. – The Sealife Enhancement
2 Advisory Committee shall advise the Commission on expenditure of license revenues
3 from the Fund. The Advisory Committee shall consist of nine members as follows:

4 (1) The Governor shall appoint seven persons each of whom holds a CRFL
5 at the time of appointment. A person appointed under this subdivision
6 must continue to hold a CRFL in order to remain eligible to serve on the
7 Advisory Committee.

8 (2) The Director of the Division of Marine Fisheries or the Director's
9 designee shall serve as a nonvoting, ex officio member of the Advisory
10 Committee.

11 (3) The Chair of the Marine Fisheries Commission or the Chair's designee
12 shall serve as a nonvoting, ex officio member of the Advisory
13 Committee.

14 (e) Report Required. – The Secretary shall submit to the Joint Legislative
15 Commission on Seafood and Aquaculture and the Joint Legislative Commission on
16 Governmental Operations by 30 September of each year a report on the Fund that shall
17 include the source and amounts of all moneys credited to the Fund and the purpose and
18 amount of all expenditures from the Fund during the prior fiscal year.

19 **"§ 113-174.5. License agents.**

20 (a) The Secretary shall designate license agents for the Department. At least one
21 license agent shall be designated for each county that contains or borders on coastal
22 fishing waters. The Secretary may designate additional license agents in any county if the
23 Secretary determines that additional agents are needed to provide efficient service to the
24 public. The Division and license agents designated by the Secretary under this section
25 shall issue licenses authorized under this Article in accordance with this Article and the
26 rules of the Commission.

27 (b) The Secretary may require license agents to enter into a contract that provides
28 for their duties and compensation, post a bond, and submit to reasonable inspections and
29 audits. If a license agent violates any provision of this Article, the rules of the
30 Commission, or the terms of the contract, the Secretary may initiate proceedings for the
31 forfeiture of the license agent's bond and may summarily suspend, revoke, or refuse to
32 renew a designation as a license agent and may impound or require the return of all
33 licenses, moneys, record books, reports, license forms and other documents, ledgers, and
34 materials pertinent or apparently pertinent to the license agency. The Secretary shall
35 report evidence of misuse of State property, including license fees, by a license agent to
36 the State Bureau of Investigation as provided by G.S. 114-15.1.

37 (c) A license agent may deduct a fee of six percent (6%) from the amount
38 collected for each license."

39 Section 2. G.S. 113-168(1) reads as rewritten:

40 "(1) 'Commercial fishing operation' means any activity preparatory to,
41 during, or subsequent to the taking of any fish, the taking of which is
42 subject to regulation by the Commission, either with the use of
43 commercial fishing equipment or gear, or by any means if the purpose

1 of the taking is to obtain fish for sale. Commercial fishing operation
2 does not include (i) the taking of fish as part of a recreational fishing
3 tournament, unless commercial fishing equipment or gear is ~~used or~~
4 used, (ii) the taking of fish under a ~~RCGL~~, RCGL, or (iii) the taking of
5 fish as provided in G.S. 113-261."

6 Section 3. G.S. 113-168.1(a) reads as rewritten:

7 "(a) Duration, Fees. —~~Except as provided in G.S. 113-173(f), all~~ All licenses and
8 endorsements issued under this Article expire on the last day of the license year. An
9 applicant for any license or endorsement shall pay the full annual fee at the time the
10 applicant applies for the license or endorsement regardless of when application is made."

11 Section 4. G.S. 113-168.1(f) reads as rewritten:

12 "(f) License Issuance and Renewal. —~~Except as provided in G.S. 113-173(d), the~~ The
13 Division shall issue licenses and endorsements under this Article to eligible applicants at
14 any office of the Division or by mail from the Morehead City office of the Division. A
15 license or endorsement may be renewed in person at any office of the Division or by mail
16 to the Morehead City office of the Division. Eligibility to renew an expired SCFL shall
17 end one year after the date of expiration of the SCFL."

18 Section 5. G.S. 113-168.1(g) reads as rewritten:

19 "(g) Limitations on Eligibility. — A person is not eligible to obtain or renew a
20 license or endorsement under this Article if, at the time the person applies for the license
21 or endorsement, any other license or endorsement issued to the person under this Article
22 or G.S. 113-174.3 is suspended or revoked. A person is not eligible to obtain a license or
23 endorsement under this Article if, within the three years prior to the date of application,
24 the person has been determined to be responsible for four or more violations of state
25 laws, regulations, or rules governing the management of marine and estuarine resources.
26 An applicant for a license under this Article shall certify that the applicant has not been
27 determined to be responsible for four or more violations of state laws, regulations, or
28 rules governing the management of marine and estuarine resources during the previous
29 three years. The Division may also consider violations of federal law and regulations
30 governing the management of marine and estuarine resources in determining whether an
31 applicant is eligible for a license."

32 Section 6. G.S. 113-185(a) reads as rewritten:

33 "(a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of
34 an ocean pier licensed in accordance with G.S. ~~113-169.4~~, 113-174.2(e). The prohibition
35 shall be effective when:

36 (1) Buoys or beach markers, placed at the owner's expense in accordance
37 with the rules adopted by the Marine Fisheries Commission, indicate
38 clearly to fishermen in vessels and on the beach the requisite distance of
39 750 feet from the pier, and

40 (2) The public is allowed to fish from the pier for a reasonable fee.

41 The prohibition shall not apply to littoral proprietors whose property is within 750 feet of
42 a duly licensed ocean pier."

43 Section 7. G.S. 113-169.4 is repealed.

1 Section 8. G.S. 113-172 is repealed.

2 Section 9. G.S. 113-173 is repealed.

3 Section 10. G.S. 143B-289.52(a) is amended by adding a new subdivision to
4 read:

5 "(13) To adopt rules to define fishing gear as either recreational gear or
6 commercial gear."

7 Section 10.1. G.S. 143B-289.52 is amended by adding a new subsection to
8 read:

9 "(h) Neither the Commission nor the Department may disclose personal
10 information provided by an applicant for a license issued under Article 14A or 14B of
11 Chapter 113 of the General Statutes unless the Commission or the Department receives
12 prior written permission from the person about whom the information is requested."

13 Section 11. The Division of Marine Fisheries may issue a Lifetime CRFL
14 under G.S. 113-174.2(c)(4) without charge to a person who holds either a Lifetime
15 Resident Comprehensive Fishing License under G.S. 113-271(d)(3) or a Lifetime
16 Sportsman Combination License under G.S. 113-270.1D(b).

17 Section 12. The Joint Legislative Commission on Seafood and Aquaculture
18 shall study issues related to the establishment of a unified recreational fishing license for
19 recreational fishing in both the inland and coastal fishing waters of the State. The
20 Commission shall make specific findings as to whether a unified licensing system should
21 be adopted for recreational fishing in the State and, if so, what that system should be and
22 how it should be implemented. The Commission shall present its findings and
23 recommendations, if any, to the 2000 Regular Session of the 1999 General Assembly.

24 Section 13. Unless otherwise expressly provided, every agency to which this
25 act applies shall adopt rules to implement the provisions of this act only in accordance
26 with the provisions of Chapter 150B of the General Statutes. This act constitutes a recent
27 act of the General Assembly within the meaning of G.S. 150B-21.1. Every agency to
28 which this act applies that is authorized to adopt rules to implement the provisions of this
29 act may adopt temporary rules to implement the provisions of this act. This section shall
30 continue in effect until all rules necessary to implement the provisions of this act have
31 become effective as either temporary rules or permanent rules.

32 Section 14. If any section or provision of this act is declared unconstitutional
33 or invalid by the courts, the unconstitutional or invalid section or provision does not
34 affect the validity of this act as a whole or any part of this act other than the part declared
35 to be unconstitutional or invalid.

36 Section 15. Sections 10, 10.1, 12, and 15 of this act are effective when this act
37 becomes law. All other sections of this act become effective 1 March 2002. Section 11
38 of this act expires 31 December 2002.