

April 2, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE/FUND. *TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE AND A MARINE RESOURCES RESTORATION FUND TO RESTORE, PROTECT, AND ENHANCE THE MARINE RESOURCES OF THE STATE.* Enacts new Art. 14B, GS Ch. 113, to establish coastal recreational fishing licenses (CRFL). Enacts GS 113-174.1 to require license for recreational fishing in coastal waters. Makes it unlawful to sell fish caught pursuant to this license, limits dual licensing for licensees from other states, and provides for replacement licenses. The license fees are \$15.00 for a standard license valid for one year; \$5.00 for a ten day CRFL; and \$100 to \$250 for a lifetime CRFL (depending on age of licensee) and \$10 for lifetime CRFL for licensees 70 and older. Persons who hold either a Standard Commercial Fishing License or Retired Standard Commercial Fishing License are exempted from license requirement, as are those 16 and under. Provides license fee exemptions for handicapped and disabled persons, disabled veterans, and blind persons. Provides for annual blanket CRFLs for operators of fishing boats and piers based on the length of the boat or pier. Provides for an annual Recreational Commercial Gear License (RCGL), the fee for which is \$35 for a NC resident and \$250 for a nonresident. Proceeds from the sale of the licenses to be remitted to non-reverting Marine Resources Restoration Fund, which is to be used for resource and habitat enhancement (at least 25% of the moneys), law enforcement (20% to 25%), marine fisheries research (at least 25%), administration (not more than 10%), grants for coastal fishing programs, projects, and scholarships (not more than 5%), and public education (5% to 10%). Creates nine-member Marine Resources Restoration Advisory Comm. (seven members appointed by Governor, plus Director of Division of Marine Fisheries and Chair of Marine Fisheries Comm'n) to advise Marine Fisheries Comm'n on Fund expenditures. Requires that Sec'y report to Jt. Legis. Comm'n on Seafood and Aquaculture and Jt. Legis. Comm'n on Governmental Operations by Sept. 30 of each year on Fund sources and expenditures. Contract license agents are to be designated by Sec'y of Dep't of Environment and Natural Resources. Adds GS 143B-289.52(a)(13) giving the Marine Fisheries Comm'n the power to adopt rules to define fishing gear as either recreational or commercial, effective when act becomes law. Authorizes temporary rules for implementation. Unless otherwise indicated, act effective March 1, 2004.

Intro. by Gibson, McComas.

Ref. to Environment

GS 113, 143B

May 20, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE FUND. Intro. 4/2/03. House committee substitute makes the following changes to 1st edition. Amends GS 113-174.1(h) to delete provision making individual ineligible for CRFL license if individual's license under GS Ch. 113, Art. 14A, (commercial fishing license) is suspended or revoked. Amends GS 113-174.2(c)(4) to require that in order to be eligible for disabled CRFL, applicant must be determined to be disabled by the US Social Security Administration. Further amends GS 113-174.2(c)(4) and (5) to clarify that an individual disabled and veteran disabled CRFL remains in effect as long as licensee remains disabled as defined in subsection. Deletes GS 113-174.2(e) (ocean fishing pier blanket CRFL). Replaces GS 113-174.2(g), granting license reciprocity to licensees of other states granting reciprocity to NC citizens, with new GS 113-174.2(f), authorizing Comm'n to increase the license fee charged residents of other states in certain circumstances. Reinstates GS 113-169.4 and adds new subsection (e), providing that a CRFL is not required for individuals fishing on a licensed pier. Makes technical and conforming changes.

July 9, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE/FUND. Intro. 4/2/03. House committee substitute makes the following changes to 2nd edition. Adds new GS 113-174.1(k) providing that information collected in the course of the license application process is confidential and is not a public record under GS Ch. 132. Decreases fee for Standard Coastal Recreational Fishing License (CRFL) established in GS 113-174.2(c)(1) to \$10 (was, \$15). Replaces fee schedule for Lifetime CRFL set forth in GS 113-174.2(c)(3) with following fees: \$150 - applicants under 18 years of age on application date; \$200 - applicants from 18 to under 62 years old. Deletes GS 113-174.2(d) (charter/head/dive boat blanket CRFL). Adds exemption from the CRFL requirement for individuals 62 years and older and for individuals fishing from a public bridge. Transfers provisions establishing Marine Resources Restoration Fund from GS 113-174.4 to new GS Art. 14C. Replaces Marine Resources Restoration Advisory Comm. with Board of Trustees of the Marine Resources Restoration Fund, Board to be composed of seven members, three members appointed by the Governor, two members appointed by the Speaker, and two members appointed by the President Pro Tem., members to serve staggered terms. Amends GS 113-175.3 to provide that money from the Fund may only be disbursed upon written direction from the Board and to increase amount of money to be used for resource and habitat enhancement and for marine fisheries research to 35% for each purpose (was, 25% for each) and to delete provision requiring that 20-25% of fund be used for law enforcement. Deletes amendments to GS 113-169.4 (pier license entitles all individuals on pier to engage in

recreational fishing). Requires that first report of the Board shall be submitted by Sept. 30, 2004. Makes technical and conforming changes.

July 17, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE. Intro. 4/2/03. House committee substitute makes the following changes to 3rd edition. Deletes provisions creating new Marine Resources Restoration Fund and instead provides that license fees under act are to be placed in General Fund (although retains some uncodified provisions that refer to Marine Resources Restoration Fund). Provides that applicant for Disabled Individual Coastal Recreational Fishing License must show disability as determined by licensed medical doctor (rather than Social Security Administration); exempts from coastal recreational fishing license requirement a person fishing from the shore. Permits Dept. of Environment and Natural Resources to use up to \$1.1 million in appropriated funds in 2003-04 and \$2 million in 2004-05 to implement act. Changes effective date for license provisions from March 1, 2004, to March 1, 2005.

July 18, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE. Intro. 4/2/03. House amendments make the following changes to 4th edition. Require fees collected under the recreational fishing license to be used exclusively for the management, protection, restoration and enhancement of NC marine resources. Delete annual report on the fund. Prohibit use of funds appropriated to DENR's Div. Of Forest Resources and Div. Of Soil and Water Conservation to implement the bill.

July 19, 2003

H 831. COASTAL RECREATIONAL FISHING LICENSE. Intro. 4/2/03. House amendments make the following changes to 5th edition. Delete sec. 9 (terms of Marine Resources Restoration Fund Board of Trustees) and sec. 10 (report deadline). Add new GS 113-174.2(d)(7) to exempt from the CRFL licensing requirement those individuals fishing in the county in which they reside with a hook and line and natural bait. Amend GS 113-174.2(d)(6) to exempt from CRFL licensing requirement individuals fishing from a shore-based structure. Make conforming changes.

July 6, 2004

H 831. SALTWATER FISHING FUND/HOLDOVER APPOINTMENTS (NEW). Intro. 4/2/03. Senate committee substitute makes the following changes to 6th edition. Enacts new GS Ch. 113, Art. 14C, establishing the NC Saltwater Fishing Fund and an 11-member Board of Trustees of the Fund. Authorizes Board to disburse investment income of the Fund to state and local governments, and nonprofit corporations to enhance the fishery resources of the state for commercial and recreational fishing, including resource and habitat enhancement, grants to fund fisheries management research for certain species, purchase of public beach access areas and public marinas, emergency dredging for the restoration of access to public fishing areas, and establishment of marine sciences scholarships. Sets limits on annual Board administrative expenses. Authorizes Board to disburse up to 50% of license revenues during 2005-06 through 2015-16, and requires report to Jt. Legis. Comm'n on Seafood and Aquaculture by Sept. 30 of each year. Further requires Board to develop an implementation plan for issuance of Saltwater Fishing Licenses no later than Jan. 1, 2005, to include a fully automated licensing and renewal system so individuals need not have a paper license, and requires that Board study the establishment of a unified recreational fishing license. Requires State Controller to transfer \$5 million from unreserved credit balance to Fund, to be repaid by July 1, 2010.

Amends GS Ch. 113, Art. 14B, effective July 1, 2005, as follows. Changes name of licenses from 'Coastal Recreational Fishing Licenses' to 'Saltwater Fishing Licenses' (SFLs). Deletes GS 113-174.1(d) and (f) – (h) relating to licensing requirements. Replaces GS 113-174.1(e), making it unlawful for individual to fish without having license available for inspection or to refuse to exhibit license, with provision making it unlawful for an individual to fish without providing name and residence address upon the request of an inspector or other law enforcement officer. Provides that an inspector or other law enforcement officer may only verify the licensure of an individual fishing from a charterboat or headboat after the individual has disembarked. Requires that each individual on a charterboat or headboat purchase an SFL and that owner or operator of boat is not responsible for licensure. Changes types of SFLs that are available and fee for license as follows: (1) deletes special licenses for a "disabled individual," "disabled veteran," and the "legally blind;" (2) replaces "standard" license with one-year license (\$15 fee) and establishes two-year (\$30 fee) and three-year SFL (\$45 fee); (3) replaces ten-day license with seven-day license (\$1 fee); (4) establishes subsistence SFL valid for one year at no charge for individuals who fall below federal poverty level; (5) reduces to two number of lifetime SFLs available, setting fee at \$150 when purchased by individual younger than 18 and \$500 for those 18 and over. Deletes GS 113-174.2(d) exemptions from license requirement and replaces them with exemption for individuals 18 and younger who are

making progress toward obtaining a high school diploma or its equivalent. Amends GS 113-169.2 to make it unlawful for commercial fishing operations (was, those taking shellfish by mechanical means) to take shellfish without shellfish license. Deletes GS 113-169.2(d) (requiring that individual taking shellfish have license available for inspection) and –169(i)(authorizing persons to take shellfish for personal use without a license). Enacts new GS 143B-289.52(h) prohibiting the disclosure of an SFL applicant's personal information by Dep't or Comm'n.

Amends GS 120-122 (vacancies in legislative appointments) to authorize Governor to fill a vacancy when the term of office expires and a successor has not been appointed, and to provide that for the purpose of that section when a person is holding over in office after the expiration of the term, the office may be filled as if it were vacant.

Makes technical changes.

Senate Comm. Amendment # 1 clarifies that only those engaged in fishing from a charterboat or headboat must have an SFL. Senate Comm. Amendment # 2 changes deadline for submission of SFL implementation plan to April 15, 2005 and clarifies that Board of Trustees members must have SFL at time of appointment when such licenses become available. Senate Comm. Amendment # 3 changes the source of \$5 million appropriated to Fund from unreserved credit balance to General Fund.

August 18, 2004

SL 2004-187 (H 831). SALTWATER FISHING FUND/HOLDOVER APPOINTMENTS. AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD. Summarized in *Daily Bulletin* 7/6/04. Enacted August 17, 2004. Sections 2–4 are effective January 1, 2006. The remainder of this act is effective August 17, 2004.