

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1393\*  
Committee Substitute Favorable 6/29/04

Short Title: Federal Enforcement by Marine Inspectors.

(Public)

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Sponsors:

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Referred to:

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May 12, 2004

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT  
2 DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL  
3 MARINE FISHERIES SERVICE AND TO DIRECT THE DIVISION OF MARINE  
4 FISHERIES TO REPORT ON THE PROVISIONS AND IMPLEMENTATION OF  
5 ANY JOINT ENFORCEMENT AGREEMENT WITH THE NATIONAL MARINE  
6 FISHERIES SERVICE.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 113-134.1 reads as rewritten:

10 "**§ 113-134.1. Jurisdiction over marine fisheries resources in Atlantic**  
11 **Ocean; delegation of law enforcement powers from the National**  
12 **Marine Fisheries Service.**

13 (a) The Marine Fisheries Commission is directed to exercise all regulatory  
14 authority over the conservation of marine fisheries resources in the Atlantic Ocean to  
15 the seaward extent of the State jurisdiction over the resources as now or hereafter  
16 defined. Marine fisheries inspectors may enforce these regulations and all other  
17 provisions of law applicable under the authority granted in this section in the same  
18 manner and with the same powers elsewhere granted them as enforcement officers.

19 (b) If authorized by the Fisheries Director or a designee of the Fisheries Director,  
20 an inspector may accept delegation of law enforcement powers from the National  
21 Marine Fisheries Service of the United States Department of Commerce over matters  
22 within the jurisdiction of the Service. For purposes of this subsection, the office of  
23 inspector may be held concurrently with any other elected or appointed office, as  
24 authorized by Section 9 of Article VI of the Constitution of North Carolina."

25 **SECTION 2.** If the Division of Marine Fisheries of the Department of  
26 Environment and Natural Resources enters into a Joint Enforcement Agreement with  
27 the National Marine Fisheries Service of the United States Department of Commerce,  
28 the Division shall, within six months of entering into the Agreement, report to the Joint  
29 Legislative Commission on Seafood and Aquaculture and the House of Representatives

1 and Senate Appropriations Subcommittees on Natural and Economic Resources on the  
2 provisions of the Agreement. The Division of Marine Fisheries shall also report on the  
3 implementation of the Agreement to the Joint Legislative Commission on Seafood and  
4 Aquaculture and the House of Representatives and Senate Appropriations  
5 Subcommittees on Natural and Economic Resources no later than November 1 of each  
6 year.

7           **SECTION 3.** This act is effective when it becomes law.