

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-213
SENATE BILL 202**

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

The General Assembly of North Carolina enacts:

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

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

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

"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, 6.11, 6.12, 6.13, and 6.15 of this act are effective when this act becomes law. Sections 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. Sections 4.1, 4.2, and 4.3 of this act become effective 1 September 1997 and apply to violations and offenses on or after 1 September 1997. Section 1.2 of this act is effective retroactively as of 1 March 1997. Sections 6.1 and 6.14 of this act become effective 15 August 1997. Sections 3.1, 3.2, 3.3, 3.4, 3.5, and 6.9 of this act become effective 1 July 1998. Sections 2.2, 5.1, 5.2, 5.4, and 5.7 of this act become effective 1 July 1999. Section 4.5 of this act becomes effective 1 July 1999 and applies to violations and offenses on or after 1 July 1999. ~~Sections 5.1 and 5.2 of this act expire 1 September 2003.~~"

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

"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, and 5.6 of this act are effective when this act becomes law. Sections 3.7 and 3.9 of this act become effective December 1, 1998, and apply to offenses committed on or after 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, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.24 become effective July 1, 1999. Section 4.6 is effective retroactively to August 14, 1997. Sections 1.1, 1.2, 1.6, 1.7, 3.1, 3.5, 3.6, 4.7, and 4.8 are effective retroactively to September 1, 1997. ~~Section 4.15 expires September 1, 2003.~~"

SECTION 4. Section 3 of Chapter 547 of the 1995 Session Laws, Regular Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347;

Section 6.14 of S.L. 1997-400; Section 15 of S.L. 1998-23; Section 1 of S.L. 1998-56; and Section 1 of S.L. 1999-209, reads as rewritten:

"Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation leases shall be imposed in the remaining area of Core Sound not described in Section 1 of this act. During the moratorium, a comprehensive study of the shellfish lease program shall be conducted. The moratorium established under this section covers that part of Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W, thence following the shoreline in a northerly direction to the point of beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~October 1, 2001.~~ October 1, 2002."

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

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

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

- (1) Willy Phillips shall serve in the position established by G.S. 143B-289.54(a)(1) through June 30, 2001.
- (2) Robert Southerland shall serve in the position established by G.S. 143B-289.54(a)(2) through June 30, 2001. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2003.
- (3) Jimmy Johnson shall serve in the position established by G.S. 143B-289.54(a)(3) for a term of four years through June 30, 2002.
- (4) Norman F. Bradford, Jr., shall serve in the position established by G.S. 143B-289.54(a)(4) for a term of four years through June 30, 2004.
- (5) William T. Russ, Jr., shall serve in the position established by G.S. 143B-289.54(a)(5) through June 30, 2003.
- (6) Benjamin Currin shall serve in the position established by G.S. 143B-289.54(a)(6) through June 30, 2003. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2005.
- (7) Barbara Garrity-Blake shall serve in the position established by G.S. 143B-289.54(a)(7) through June 30, 2002. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2004.
- (8) Bryan Gillikin shall serve in the position established by G.S. 143B-289.54(a)(8) for a term of four years through June 30, 2003.

(9) B.J. Copeland shall serve in the position established by G.S. 143B-289.54(a)(9) through June 30, 2002.

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

In the General Assembly read three times and ratified this the 6th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:53 p.m. this 15th day of June, 2001