

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B 1122
May 10, 2016
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30495-MHa-162A (01/20)

Short Title: Limit Marine Net Fishing. (Public)

Sponsors: Representative W. Richardson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO LIMIT MARINE NET FISHING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 15 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-192. Limit marine net fishing.

(a) Purpose. – The marine resources of the State of North Carolina belong to all of the people of the State and should be conserved and managed for the benefit of the State, its people, and future generations. To this end, the General Assembly enacts limitations on marine net fishing in coastal fishing waters to protect saltwater finfish, shellfish, and other marine animals from unnecessary killing, overfishing, and waste.

(b) Net Prohibition. – It is unlawful to use either a gill net or other entangling net in coastal fishing waters for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals.

(c) Additional Net Restrictions. – In addition to the prohibition set forth in subsection (b) of this section, no other type of net containing more than 500 square feet of mesh area shall be used in coastal fishing waters. Additionally, no more than two nets which shall not be connected shall be used from any vessel, and no person not on a vessel shall use more than one net in coastal fishing waters.

(d) Definitions. – The following definitions apply in this section:

(1) Coastal fishing waters. – Defined in G.S. 113-129(4).

(2) Entangling net. – A drift net, trammell net, stab net, or any other net which captures saltwater finfish, shellfish, or other marine animals by causing all or part of heads, fins, legs, or other body parts to become entangled or ensnared in the meshes of the net. The term does not include a hand-thrown cast net.

(3) Gill net. – One or more walls of netting which captures saltwater finfish by ensnaring or entangling them in the meshes of the net by the gills. The term does not include a hand-thrown cast net.

(4) Mesh area. – With respect to a net, the total area of netting with the meshes open to comprise the maximum square footage. The square footage shall be calculated using standard mathematical formulas for geometric shapes. Seines and other rectangular nets shall be calculated using the maximum length and maximum width of netting. Trawls and other bag-type nets shall be calculated as a cone using the maximum circumference of the net mouth to derive the radius, and the maximum length from the net mouth to the tail end of the net to



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1 derive the slant height. Calculations for any other nets of combination type nets
2 shall be based on the shape of the individual components."

3 **SECTION 2.** The question of whether North Carolina should limit marine net fishing
4 as set out in the statutory amendment in Section 1 of this act shall be submitted to the qualified
5 voters of the State at the general election in November 2016. Any other election or referendum
6 validly called or scheduled by law at the time the election on the bond question provided for in
7 this subsection is held may be held as called or scheduled. Notice of the election shall be given in
8 the manner and at the times required by G.S. 163-33(8). The election and the registration of voters
9 therefor shall be held under and in accordance with the general laws of the State. Absentee ballots
10 shall be authorized in the election and shall be available 50 days prior to the date on which the
11 election is to be held. Ballots, voting systems authorized by Article 14A of Chapter 163 of the
12 General Statutes, or both may be used in accordance with rules prescribed by the State Board of
13 Elections. The question to be used in the ballots or voting systems shall be:

14 " FOR AGAINST

15 Limits on marine net fishing in order to protect saltwater finfish, shellfish, and other
16 marine animals from unnecessary killing, overfishing, and waste."

17 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
18 question set out in Section 2 of this act, the State Board of Elections shall certify the amendment
19 to the Secretary of State and to the Revisor of Statutes. The amendments to the General Statutes
20 set forth in Section 1 shall become effective upon this certification. The Secretary of State shall
21 enroll the amendment so certified among the permanent records of that office.

22 **SECTION 4.** There is appropriated from the General Fund to the State Board of
23 Elections the sum of two hundred fifty thousand dollars (\$250,000) to pay for the expenses related
24 to the referendum required under this act.

25 **SECTION 5.** Section 4 of this act is effective July 1, 2016. The remainder of the Oact
26 is effective when it becomes law.