A BILL TO BE ENTITLED

AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS AS COASTAL GAME FISH; TO COMPENSATE COMMERCIAL FISHERMEN FOR CERTAIN LOSSES DUE TO COASTAL GAME FISH DESIGNATIONS; TO INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES; TO APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES OBSERVER PROGRAM; AND TO PROVIDE FUNDING FOR THE DREDGING OF SHALLOW DRAFT NAVIGATION CHANNELS.

Whereas, the State of North Carolina has one of the most diverse fisheries in the United States; and

Whereas, the General Assembly recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State and thereby properly earn a livelihood; and

Whereas, the General Assembly recognizes the economic contribution and important heritage of traditional full-time and part-time commercial fishing; and

Whereas, the General Assembly recognizes that for many citizens fishing is an important recreational activity and that recreational fishing is a source of great personal enjoyment and satisfaction; and

Whereas, the General Assembly recognizes the importance of providing plentiful fishery resources to maintain and enhance tourism as a major contributor to the economy of the State; and

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 recognizes the vital importance of safe, navigable coastal waterways to recreational and commercial fishing, coastal tourism, and recreational boating; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. DESIGNATION OF COASTAL GAME FISH; MITIGATION PAYMENTS; INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES

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

"§ 113-192. Coastal game fish."
Designation. – The General Assembly hereby designates all of the following species as coastal game fish:

(1) Red drum (Sciaenops ocellatus) is designated as a coastal game fish for all coastal fishing waters.
(2) Spotted sea trout (Cynoscion nebulosus) is designated as a coastal game fish for all coastal fishing waters.
(3) Striped bass (Morone saxatilis) is designated as a coastal game fish for all coastal fishing waters except for the Atlantic Ocean.

Requirements. – Species designated as coastal game fish under subsection (a) of this section are subject to all of the following requirements:

(1) In coastal fishing waters where they have been designated as a coastal game fish, they may only be taken by hook-and-line.
(2) Except as provided in subsection (c) of this section, they may not be bought, sold, bartered, or exchanged.
(3) Except as provided in subsection (c) of this section, they may not be possessed for the purpose of purchase, sale, barter, exchange, or for transport or shipment in commerce within the State or for export from the State.

Exceptions. – The purchase, sale, barter, exchange, possession, and transport of species designated as coastal game fish under subsection (a) of this section is allowed under any of the following circumstances:

(1) The fish are lawfully raised in an aquaculture operation.
(2) The fish are lawfully imported from a State without a game fish designation.
(3) The fish are lawfully purchased for sale by a restaurant.
(4) The fish are possessed by an individual, including an individual customer of a guided trip, who possesses the fish within the individual's lawful daily limit and for the individual's personal use.

SECTION 2.(a) Notwithstanding G.S. 113-175.1, the Marine Fisheries Commission shall make mitigation payments from the North Carolina Marine Resources Fund to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by Section 1 of this act.

SECTION 2.(b) Subject to the limitation contained in subsection (c) of this section, the Marine Fisheries Commission shall make mitigation payments for all of the following:

(1) The average annual income to a commercial fisherman from the sale of fish designated as coastal game fish under G.S. 113-192, as enacted by Section 1 of this act, over the period 2010 through 2012. The Marine Fisheries Commission shall make an annual payment in this amount to an eligible commercial fisherman in the years 2014, 2015, and 2016.
(2) The 2012 value of commercial fishing gear used in 2012 to exclusively take fish designated as coastal game fish under G.S. 113-192, as enacted by Section 1 of this act. The Marine Fisheries Commission shall make this payment in 2014.

SECTION 2.(c) Payments made under this section shall be limited to a total of one million dollars ($1,000,000).

SECTION 2.(d) The Marine Fisheries Commission may adopt any rules necessary for the implementation of this section.

SECTION 3. G.S. 113-174.2(c) reads as rewritten:

"(c) Types of CRFLs; Fees; Duration. – The Wildlife Resources Commission shall issue the following CRFLs:
(1) Annual Resident CRFL. – $15.00–$20.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State.

(1a) Annual Nonresident CRFL. – $30.00–$40.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is not a resident of the State.


(4) Ten-Day Resident CRFL. – $5.00–$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is a resident of the State.

(4a) Ten-Day Nonresident CRFL. – $10.00–$20.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.


(6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this subdivision, CRFLs issued under this subdivision are valid for the lifetime of the licensee.


e. Infant Lifetime CRFL. – $100.00. This license shall be issued only to an individual younger than one year of age.

f. Youth Lifetime CRFL. – $150.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.

g. Resident Adult Lifetime CRFL. – $250.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.

h. Nonresident Adult Lifetime CRFL. – $500.00. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.

i. Resident Age 65 Lifetime CRFL. – $15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.

j. Resident Disabled Veteran CRFL. – $10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.

k. Resident Totally Disabled CRFL. – $10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration.”

PART II. APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES OBSERVER PROGRAM

SECTION 4. There is appropriated from the General Fund to the Division of Marine Fisheries of the Department of Environment and Natural Resources the sum of one million three hundred thousand dollars ($1,300,000) in nonrecurring funds for the 2013-2014
fiscal year to be used for the administration and implementation of the Marine Fisheries Observer Program.

PART III. FUNDING FOR DREDGING OF SHALLOW DRAFT NAVIGATION CHANNELS

SECTION 5.(a) G.S. 105-449.126 reads as rewritten:

"§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources Fund, Shallow Draft Navigation Channel Dredging Fund.

(a) The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this section may be used only for the boating and water safety activities described in G.S. 75A-3(c). The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis.

(b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging Fund one-half of one percent (1/2 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Shallow Draft Navigation Channel Dredging Fund under this section may be used only for the dredging activities described in G.S. 143-215.73F. The Secretary must credit revenue to the Shallow Draft Navigation Channel Dredging Fund on an annual basis."

SECTION 5.(b) Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 8B. Shallow Draft Navigation Channel Dredging Fund.


The Shallow Draft Navigation Channel Dredging Fund is established as a special revenue fund. The Fund consists of fees credited to it under G.S. 105-449.126. Revenue in the Fund may only be used to provide the State's share of the costs associated with any dredging project designed to keep a shallow draft navigation channel located in State waters navigable and safe. Any project funded by revenue from the Fund must be cost-shared with non-State dollars on a one-to-one basis. For purposes of this section, "shallow draft navigation channel" means (i) a waterway connection, with a maximum depth of 14 feet, between the Atlantic Ocean and a bay or the Atlantic Intracoastal Waterway; (ii) a river entrance to the Atlantic Ocean through which tidal and other currents flow; or (iii) other interior coastal waterways. "Shallow draft navigation channel" includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor, Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay, including Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson, Shallotte River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort Harbor."

PART IV. EFFECTIVE DATE

SECTION 6. This act becomes effective July 1, 2013.