

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**BILL DRAFT 2019-MHa-175 [v.4]**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)**

**4/13/2020 11:34:24 AM**

Short Title:   Emergency Assistance for Commercial Fishermen.

(Public)

Sponsors:    Representative Richardson.

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE DEDICATED FUNDS FOR EMERGENCY ASSISTANCE TO  
COMMERCIAL FISHERMEN.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-173.1 reads as rewritten:

(a) Establishment. – There is hereby established the North Carolina Commercial Fishing Resources Fund (Fund) as a nonreverting special revenue fund in the office of the State Treasurer. The purpose of the Fund is to provide funding for the development of sustainable commercial fishing in the State. The principal of the Fund shall consist of any appropriations to the fund by the General Assembly and all of the following:

- (1) Two hundred dollars (\$200.00) from each Standard Commercial Fishing License issued pursuant to G.S. 113-168.2.
- (2) One hundred dollars (\$100.00) from each Retired Standard Commercial Fishing License issued pursuant to G.S. 113-168.3.
- (3) Twenty-five dollars (\$25.00) from each shellfish license issued pursuant to G.S. 113-169.2.
- (4) Fifty dollars (\$50.00) from each fish dealer license issued pursuant to G.S. 113-169.3.
- (5) Two hundred dollars (\$200.00) from each land or sell license issued pursuant to G.S. 113-169.5.
- (6) Thirty-five dollars (\$35.00) from each Recreational Commercial Gear License issued pursuant to G.S. 113-173.

The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Fund in accordance with the provisions of G.S. 147-69.2, except that interest and other income received on the fund balance shall be treated as set forth in G.S. 147-69.1(d).

(b) Use of Funds. – The North Carolina Commercial Fishing Resource Fund created by this section shall be used only for the following purposes, in order of priority:

- (1) First, the Fund shall fully fund the State's incidental take permits for the commercial fishing industry under the federal Endangered Species Act of 1973 (Public Law 93-205) or the federal Marine Mammal Protection Act of 1972 (Public Law 92-522).

(1a) Second, the Fund shall be used for emergency assistance for holders of a license issued under subsection (a) of this section when a state of emergency



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1 has been proclaimed under G.S. 166A-19.20 for areas including the coastal  
2 fishing waters of the State. The Division shall administer this emergency  
3 assistance program. Up to one million dollars (\$1,000,000) of the Fund may  
4 be used for the priority set forth in this subdivision.

5 (2) After the ~~priority~~ priorities set forth in ~~subdivision~~ subdivisions (1) and (1a)  
6 of this section ~~has~~ have been fully funded, the Fund may be used for other  
7 projects to develop and support sustainable commercial fishing in the State.

8 (c) Procedure for Fund Disbursements. – With respect to funds used pursuant to  
9 ~~subdivision (b)(1)~~ subdivisions (b)(1) and (b)(1a) of this section, the State Treasurer shall disburse  
10 the principal of the Fund only upon the written direction of the Director of the Division. With  
11 respect to funds used pursuant to subdivision (b)(2) of this section, the State Treasurer shall  
12 disburse the principal of the Fund only upon the written direction of both the Marine Fisheries  
13 Commission and the Funding Committee established by subsection (d) of this section following  
14 the procedures set forth in the memorandum of understanding developed under subsection (f) of  
15 this section. In the event of a disagreement between the Commission and the Committee, the  
16 Secretary of Environmental Quality shall decide between the directions proposed by the  
17 Commission and by the Committee.

18 ...."

19 **SECTION 2.** This act becomes effective July 1, 2020.