

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-162  
SENATE BILL 1048

AN ACT TO CREATE A GRANTS COMMITTEE TO SET PRIORITIES FOR, REVIEW APPLICATIONS TO, AND AWARD GRANTS UNDER THE FISHERY RESOURCE GRANT PROGRAM AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO THE FISHERY RESOURCE GRANT PROGRAM STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-200 reads as rewritten:

**"§ 113-200. Fishery Resource Grant Program.**

(a) Creation. – There is created within the Sea Grant College Program at The University of North Carolina, the Fishery Resource Grant Program. The purpose of the program is to work within priorities established by the ~~Marine Fisheries Commission Grants Committee~~ to protect and enhance the State's coastal fishery resources through individual grants in the following areas:

- (1) New fisheries equipment or ~~gear~~; gear.
- (2) Environmental pilot studies, including water quality and fisheries ~~habitat~~; habitat.
- (3) Aquaculture or mariculture of marine dependent ~~species~~; or species.
- (4) Seafood technology.

(b) Definition; Annual Establishment of Priorities. – For purposes of this section, the term 'fishing related industry' means any of the following: (i) commercial fishing; (ii) recreational fishing; (iii) aquaculture; (iv) mariculture; and (v) handling of seafood products, including seafood dealing and seafood processing. The ~~Commission-Grants Committee~~ shall, in cooperation with ~~fishermen~~, persons involved in fishing related industries, the Division of Marine Fisheries, and the Sea Grant College Program, establish funding priorities effective July 1 of each year for the grant program. ~~The adoption of priorities by the Commission shall not be considered rule making within the meaning of the Administrative Procedure Act.~~ In adopting priorities, the Grants Committee is exempt from Article 2A of Chapter 150B of the General Statutes. The ~~Commission-Grants Committee~~ shall provide public notice of its proposed priorities at least 30 days before the ~~Commission-Grants Committee~~ meeting prior to a final determination of its priorities for the fiscal year.

(c) Procedure to Solicit Proposals. – Following the establishment of priorities by the ~~Commission, Grants Committee~~, the Sea Grant College Program shall hold workshops within ~~each of the~~ northern, southern, central, and Pamlico coastal regions to

solicit applications and to assist persons involved in fishing related industries in writing proposals. ~~For purposes of this act, the term 'fishing industry' includes persons involved in: (i) commercial or recreational fishing; (ii) aquaculture or mariculture; or (iii) handling fish products such as seafood dealers or processors. The Sea Grant College Program shall encourage preproposal conferences between individuals in the fisheries industry among persons involved in fishing related industries and those with technical or research background backgrounds to work as partners in developing and writing the proposals and in writing final report results. reports of final results. If the grants approved by the Commission Grants Committee do not utilize all available funds, the Sea Grant College Program may advertise and solicit additional applications during the applicable fiscal year.~~

(d) Application for Grant Program. – An applicant may apply for grant funds to the Sea Grant College Program. For purposes of this subsection, every proposal shall include substantial involvement of active North Carolina persons residents of North Carolina who are actively involved in a fishing related industry. A proposal generated by a person not involved in a fishing related industry may be eligible for funding only if the proposal includes written endorsements supporting the project from persons or organizations representing fishing related industries. An application shall ~~include, but not be limited to, the following:~~ include:

- (1) Name and address of the primary ~~applicant;~~ applicant.
- (2) List of marine fishing licenses issued under Chapter 113 of the General Statutes to the applicant by the State of North ~~Carolina;~~ Carolina.
- (3) A description of the ~~project;~~ project.
- (4) A detailed statement of the projected costs of the project including the cost to plan and design the ~~project;~~ project.
- (5) An explanation of how the project will enhance the fishery ~~resource;~~ resource.
- (6) List of names and addresses of any other persons who will participate in the ~~project; and~~ project.
- (7) Any other information necessary to make a recommendation on the application.

(e) Review Process. – The Sea Grant College Program shall conduct an anonymous peer review of all applications for fisheries grants. At least one of the peer reviewers shall be a person involved in a fishing related industry. Applications shall be An application is confidential and shall not be defined as is not a public record as defined under G.S. 132-1 until after the closing date for submission of applications. Following the review of all proposals, the Sea Grant College Program shall rank proposals in order of priority and shall present the recommendations to the Commission Grants Committee. Any criterion used by Sea Grant in ranking proposals shall not require rule making within the meaning of the Administrative Procedure Act, but such criteria shall be public records as defined in G.S. 132-1. The Sea Grant College Program may adopt criteria to rank proposals. In adopting criteria, the Sea Grant College Program is exempt from Article 2A of Chapter 150B of the General Statutes. Criteria adopted pursuant to this subsection are public records within the meaning of G.S. 132-1.

(e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

- (1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.
- (2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.
- (3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.
- (4) One member of the Northeast Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Northeast Regional Advisory Committee.
- (5) One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.
- (6) One member of the Southeast Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Southeast Regional Advisory Committee.
- (7) One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.

~~(f) Award Process. – The Commission shall review the ranking of proposals, and if consistent with the priority rankings established under subsection (e) of this section, shall fund those proposals. The Grants Committee shall evaluate all grant proposals and the results of the peer review and ranking conducted pursuant to subsection (e) of this section. On the basis of this evaluation, the Grants Committee shall determine the amount of funding, if any, to be awarded to each grant applicant. To the extent practicable, the Grants Committee shall distribute grant funding among the northern, southern, central, and Pamlico coastal regions. Applications-Proposals for projects that include involvement by fishermen of persons involved in a fishing related industry in the project shall be accorded a priority in funding by the Commission. Grants Committee. Following approval by the Commission, Grants Committee, the Sea Grant College Program shall award the grants. To the extent practicable, the Sea Grant College Program shall distribute grant funding among the northern, southern, central, and Pamlico coastal regions.~~

~~(g) Restrictions on Grants. – No member of the Commission-Grants Committee may benefit financially from a grant. If a grant recipient from a prior year has failed to perform a grant project to the satisfaction of the Sea Grant College Program or the Commission, Grants Committee, the Sea Grant College Program-Grants Committee may decline to fund any new application involving the principal applicant.~~

~~(h) Grant Reports and Funding. – Grant recipients shall provide quarterly progress reports to the Sea Grant College Program and shall submit invoices for expenditures for each quarter. Twenty-five percent (25%) of the total grant award shall be held until the grant recipient has completed the project and submitted a final written~~

report. The remainder of the grant award shall be distributed upon approval of each quarterly report and upon verification of the expenditures.

(i) Report on Grant Program. – The Sea Grant College Program shall report on ~~an annual basis~~ the Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint Legislative Commission on Seafood and ~~Aquaculture~~. Aquaculture no later than January 1 of each year."

Section 2. The Sea Grant College Program shall submit the first report required by G.S. 113-200(i), as amended by Section 1 of this act, no later than January 1, 2000.

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 31st of May, 1999.

s/ Marc Basnight  
President Pro Tempore of the Senate

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

s/ James B. Hunt, Jr.  
Governor

Approved 5:28 p.m. this 8th day of June, 1999