

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1058\*  
Second Edition Engrossed 6/17/92

Short Title: Shellfish Lease Amendments.

(Public)

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Sponsors: Senators Perdue and Shaw.

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Referred to: Agriculture, Marine Resources, and Wildlife.

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June 1, 1992

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE GENERAL STATUTES RELATING TO SHELLFISH  
2 LEASES.  
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4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113-184(a) reads as rewritten:

6 "(a) It is unlawful to carry aboard any vessel subject to licensing requirements  
7 under Article 14 under way or at anchor in coastal fishing waters during the regular  
8 closed oyster season any scoops, scrapes, dredges, or winders such as are usually or can  
9 be used for taking oysters. Provided that when such vessels are engaged in lawfully  
10 permitted oyster harvesting operations on any privately held shellfish bottom lease  
11 under G.S. 113-202 or G.S. 113-205, the vessel shall be exempt from this requirement."

12 Sec. 2. G.S. 113-202(n) reads as rewritten:

13 "(n) Upon final termination of any leasehold, the bottom in question is thrown  
14 open to the public for use in accordance with laws and rules governing use of public  
15 grounds generally. ~~Agents of the Secretary are required as soon as possible after~~  
16 ~~termination of lease to remove all markers denominating the area of the leasehold as a~~  
17 ~~private bottom.~~ Within 30 days of final termination of the leasehold, the former  
18 leaseholder shall remove all abandoned markers denominating the area of the leasehold  
19 as a private bottom. The State may, after 10 days' notice to the owner of the abandoned  
20 markers thereof, remove the abandoned structure and have the area cleaned up. The  
21 cost of such removal and cleanup shall be payable by the owner of the abandoned  
22 markers and the State may bring suit to recover the costs thereof."

1                   Sec. 3. This act is effective upon ratification, and applies to leases entered  
2 into on or after the date of ratification.