

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1434
Committee Substitute Favorable 6/23/99
Committee Substitute #2 Favorable 6/30/99

Short Title: Coastal Recreational Fishing License.

(Public)

Sponsors:

Referred to:

April 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.
Whereas, the State of North Carolina has one of the most diverse fisheries in the United States; 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 that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State, nation, and world, 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 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 is committed to the continued viability of both recreational and commercial fishing industries in the State; and

Whereas, the General Assembly intends that the commercial fishing industry be allowed to continue to take fish by means of all methods traditionally employed in commercial fishing operations, including the use of nets and trawls; and

Whereas, the General Assembly finds that in order to protect coastal fishery resources, it is essential that the recreational as well as the commercial fishing sectors provide data on use of fishery resources for the development of scientifically valid plans to manage fishery resources; and

Whereas, the General Assembly finds that it is essential to the success of efforts to better manage fishery resources that both the recreational and commercial fishing sectors are involved in and support these efforts; Now, therefore,

The General Assembly of North Carolina enacts:

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

“ARTICLE 14B.

“COASTAL RECREATIONAL FISHING LICENSES.

“§ 113-174. Definitions.

As used in this Article:

(1) ‘Commission’ means the Marine Fisheries Commission.

(2) ‘CRFL’ means Coastal Recreational Fishing License.

(3) ‘Division’ means the Division of Marine Fisheries in the Department of Environment and Natural Resources.

(4) ‘North Carolina resident’ means a person who is a resident within the meaning of G.S. 113-130(4).

(5) ‘RCGL’ means Recreational Commercial Gear License.

(6) ‘Recreational fishing’ means any activity preparatory to, during, or subsequent to the taking of any fish, the taking of which is subject to regulation by the Commission, by any means:

a. That does not constitute a commercial fishing operation as defined in G.S. 113-168.

b. Except as provided in G.S. 113-261.

(7) ‘RSCFL’ means Retired Standard Commercial Fishing License issued pursuant to G.S. 113-168.3.

(8) ‘SCFL’ means Standard Commercial Fishing License issued pursuant to G.S. 113-168.2.

“§ 113-174.1. General provisions governing licenses.

(a) License Required to Engage in Recreational Fishing. – It is unlawful for any person to engage in recreational fishing in coastal fishing waters without holding a license required by this Article. It is unlawful for any person to engage in recreational fishing without complying with the provisions of this Article and rules adopted by the Commission under this Article.

1 **(b) Sale of Fish Prohibited.** – A license issued under this Article does not
2 authorize a person who takes or lands any species of fish under the authority of the
3 Commission to sell, offer for sale, barter, or exchange the fish for anything of value.
4 Except as provided in G.S. 113-168.4, it is unlawful for any person who takes or lands
5 any species of fish under the authority of the Commission by any means to sell, offer for
6 sale, barter, or exchange these fish for anything of value.

7 **(c) Assignment and Transfer Prohibited.** – Except as provided in G.S. 113-
8 174.2(f)(1) and G.S. 113-174.3(e)(1), it is unlawful to buy, sell, lend, borrow, assign, or
9 otherwise transfer a license issued under this Article or to attempt to buy, sell, lend,
10 borrow, assign, or otherwise transfer a license issued under this Article.

11 **(d) Format.** – A license issued under this Article shall be issued in the name of the
12 applicant. A license shall show the type of license; the name, mailing address, physical
13 or residence address, and date of birth of the licensee; the date on which the license is
14 issued; the date on which the license expires; and any other information that the
15 Commission or the Division determines to be necessary to accomplish the purposes of
16 this Subchapter.

17 **(e) Licenses Available for Inspection.** – It is unlawful for any person to engage in
18 recreational fishing in coastal fishing waters in the State without having ready at hand for
19 inspection all licenses required under this Article. It is unlawful for a person to refuse to
20 exhibit any license required by this Article upon the request of an inspector or other law
21 enforcement officer authorized to enforce federal or State laws, regulations, or rules
22 relating to marine fisheries.

23 **(f) Replacement Licenses.** – The Division shall issue a replacement license to a
24 licensee for a license that has not been suspended or revoked. A licensee may apply for a
25 replacement license for a license that has been lost, stolen, or destroyed and shall apply
26 for a replacement license within 30 days of a change in the licensee's name or address. A
27 licensee may apply for a replacement license in person at any office of the Division or by
28 mail to the Morehead City office of the Division. A licensee may use a copy of the
29 application for a replacement license that has been filed with the Division as a temporary
30 license until the licensee receives the replacement license. The Commission may
31 establish a fee for each type of replacement license, not to exceed five dollars (\$5.00),
32 that compensates the Division for the administrative costs associated with issuing the
33 replacement license.

34 **(g) No Dual Residency.** – It is unlawful for any person to hold any license issued
35 under this Article to the person as a North Carolina resident if that person holds any
36 commercial or recreational fishing license issued by another state to the person as a
37 resident of that state.

38 **(h) Limitations on Eligibility.** – A person is not eligible to obtain a license under
39 G.S. 113-174.3 if, at the time the person applies for the license, any other license or
40 endorsement issued to the person under G.S. 113-174.3 or Article 14A of Chapter 113 of
41 the General Statutes is suspended or revoked. A person is not eligible to obtain a license
42 under G.S. 113-174.3 if, within the three years prior to the date of application, the person
43 has been determined to be responsible for four or more violations of State laws,

1 regulations, or rules governing the management of marine and estuarine resources. An
2 applicant for a license under G.S. 113-174.3 shall certify that the applicant has not been
3 determined to be responsible for four or more violations of State laws, regulations, or
4 rules governing the management of marine and estuarine resources during the previous
5 three years. The Division may also consider violations of federal law and regulations
6 governing the management of marine and estuarine resources in determining whether an
7 applicant is eligible for a license.

8 (i) Cancellation. – The Division may cancel a license issued on the basis of an
9 application that contains false information supplied by the applicant. A cancelled license
10 is void from the date of issuance. A person in possession of a cancelled license shall
11 surrender the cancelled license to the Division. It is unlawful to refuse to surrender a
12 cancelled license upon demand of any authorized agent of the Division.

13 (j) Reporting Requirements. – The holder of a license issued under this Article
14 shall comply with the biological data sampling and survey programs of the Commission
15 and the Division.

16 **"§ 113-174.2. Coastal Recreational Fishing License.**

17 (a) License Required. – Except as otherwise provided in this Article, it is unlawful
18 for any person to engage in recreational fishing in coastal fishing waters by means of
19 recreational gear without holding a CRFL issued under this section. It is unlawful for any
20 person licensed under this section or fishing under a CRFL to possess fish in excess of
21 recreational possession limits.

22 (b) Purchase; Renewal. – Any license issued under this section may be purchased
23 at designated offices of the Division or from the Division by mail. A license issued under
24 subdivisions (1) and (2) of subsection (c) of this section may also be purchased through a
25 license agent authorized under G.S. 113-174.5. Any license issued under this section
26 may be renewed by mail.

27 (c) Types of CRFLs; Fees; Duration. – The Division shall issue the following
28 CRFLs:

29 (1) Standard CRFL. – \$7.50. This license is valid for a period of one year
30 from the date of issuance.

31 (2) Ten-Day CRFL. – \$5.00. This license is valid for a period of seven
32 days.

33 (3) Subsistence CRFL. – An applicant for a license under this subdivision
34 shall provide documentation to the Division to demonstrate that the
35 applicant takes fish solely for the purpose of direct consumption by the
36 individual and the members of the individual's household in
37 circumstances where fish constitutes a substantial portion of the diet of
38 the individual and the household. A license issued under this
39 subdivision shall be issued without charge and is valid for one year from
40 the date of issuance.

41 (4) Lifetime CRFL. – This license is valid for the lifetime of the licensee.
42 The fee for the Lifetime CRFL, based on the age of the prospective

licensee as of the date on which the application is filed with the Division, is:

- a. Younger than six years of age \$100.00
- b. Between six and 11 years of age \$150.00
- c. Between 11 and 17 years of age \$200.00
- d. Between 17 and 65 years of age \$250.00

(5) Permanently Handicapped or Disabled Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is permanently handicapped or disabled. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(6) Disabled Veteran Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is a fifty percent (50%) or more disabled war veteran as determined by the United States Department of Veterans Affairs. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(7) Legally Blind Lifetime CRFL. – An applicant for a license under this subdivision shall provide documentation to the Division to demonstrate that the applicant is legally blind. A license issued under this subdivision shall be issued without charge and is valid for the lifetime of the licensee.

(d) Charter/Head/Dive Boat Blanket CRFL. – A person who operates a charter boat, head boat, or dive boat may purchase a Charter/Head/Dive Boat Blanket CRFL. The Charter/Head/Dive Boat Blanket CRFL entitles all persons on the boat who do not hold a CRFL to engage in recreational fishing by means of recreational gear. It shall be unlawful for the owner of a charter, head, or dive boat who does not hold a Charter/Head/Dive Boat Blanket CRFL to allow any person on the boat who does not hold a CRFL to engage in recreational fishing by means of recreational gear. This license is valid for a period of one year from the date of issuance. The fee for a Charter/Head/Dive Boat Blanket CRFL is:

- (1) Vessel of 18 feet or less \$1.50 per foot in length
- (2) Vessel of greater than 18 feet \$2.25 per foot in length but less than 38 feet in length
- (3) Vessel of 38 feet or greater \$4.50 per foot in length

(e) Ocean Fishing Pier Blanket CRFL. – A person who owns or operates an ocean fishing pier and who charges a fee to allow a person to engage in recreational fishing by means of recreational gear from the pier shall purchase an Ocean Fishing Pier Blanket CRFL. An applicant for an Ocean Fishing Pier Blanket CRFL shall disclose the names of all parties involved in the pier operation, including the owner of the property, the owner

1 of the pier if different, and all leasehold or other corporate arrangements, and all persons
2 with a substantial financial interest in the pier. The Ocean Fishing Pier Blanket CRFL
3 entitles all persons on the pier who do not hold a CRFL to engage in recreational fishing
4 by means of recreational gear. This license is valid for a period of one year from the date
5 of issuance. The fee for an Ocean Fishing Pier Blanket CRFL is one dollar (\$1.00) per
6 linear foot, to the nearest foot, that the pier extends into coastal fishing waters beyond the
7 mean high waterline. The length of the pier shall be measured to include all extensions
8 of the pier. Within 30 days following a change of ownership of a pier, or a change as to
9 the manager, the manager or new manager shall secure a replacement pier license as
10 provided in G.S. 113-174.1(f).

11 (f) Exemptions. – A person may engage in recreational fishing by means of
12 recreational gear without holding a CRFL if the person:

13 (1) Is under 16 years of age.

14 (2) Is 65 years of age or older.

15 (3) Holds a SCFL or a RSCFL.

16 (4) Engages in recreational fishing from the shore or from a shore-based
17 structure.

18 **"§ 113-174.3. Recreational Commercial Gear License.**

19 (a) License Required. – Except as provided in subsection (e) of this section, it is
20 unlawful for any person to engage in recreational fishing by means of commercial fishing
21 equipment or gear in coastal fishing waters without holding a RCGL. The RCGL entitles
22 the licensee to use authorized commercial gear to take fish for personal use subject to
23 recreational possession limits. It is unlawful for any person licensed under this section or
24 fishing under a RCGL to possess fish in excess of recreational possession limits.

25 (b) Authorized Commercial Gear. – The Commission shall adopt rules authorizing
26 the use of a limited amount of commercial fishing equipment or gear for recreational
27 fishing under a RCGL. The Commission may authorize the limited use of commercial
28 gear on a uniform basis in all coastal fishing waters or may vary the limited use of
29 commercial gear within specified areas of the coastal fishing waters. The Commission
30 shall periodically evaluate and revise the authorized use of commercial gear for
31 recreational fishing. Authorized commercial gear shall be identified by visible colored
32 tags or other means specified by the Commission in order to distinguish between
33 commercial gear used in a commercial fishing operation as defined in G.S. 113-168 and
34 commercial gear used for recreational fishing.

35 (c) Purchase; Renewal. – A RCGL may be purchased at designated offices of the
36 Division and from a license agent authorized under G.S. 113-174.5. A RCGL may be
37 renewed by mail.

38 (d) Duration; Fees. – The RCGL shall be valid for a one-year period from the date
39 of purchase. The fee for a RCGL for a North Carolina resident shall be thirty-five dollars
40 (\$35.00). The fee for a RCGL for an individual who is not a North Carolina resident shall
41 be two hundred fifty dollars (\$250.00).

42 (e) Exemptions. –

- 1 (1) A person who is under 16 years of age may engage in recreational
2 fishing by means of authorized commercial gear without holding a
3 RCGL if the person is accompanied by a parent, grandparent, or
4 guardian who holds a valid RCGL or if the person has in the person's
5 possession a valid RCGL issued to the person's parent, grandparent, or
6 guardian.
- 7 (2) A person may engage in recreational fishing for crabs by means of one
8 or more crab pots attached to the shore along privately owned land or to
9 a privately owned pier without holding a RCGL provided that the crab
10 pots are attached with the permission of the owner of the land or pier.
- 11 (3) A person who is on a vessel may engage in recreational fishing by
12 means of authorized commercial gear without holding a RCGL if there
13 is another person on the vessel who holds a valid RCGL. This
14 exemption does not authorize the use of commercial gear in excess of
15 that authorized for use by the person who holds the valid RCGL or, if
16 more than one person on the vessel holds a RCGL, in excess of that
17 authorized for use by those persons.
- 18 (4) A person using nonmechanical means may take shellfish for personal
19 use within the limits specified in G.S. 113-169.2(i) without holding a
20 RCGL.
- 21 (5) A person may take fish for recreational purposes by means of a gig
22 without holding a RCGL.

23 **"§ 113-174.4. Sealife Enhancement Fund.**

24 (a) Definitions. – As used in this section:

25 (1) 'Fund' means the Sealife Enhancement Fund.

26 (2) 'License revenues' means the net proceeds from the sale of licenses
27 issued under G.S. 113-174.2 and interest earned from the investment of
28 license proceeds. The term includes funds realized from the sale, lease,
29 rental, or other grant of rights to real or personal property acquired or
30 produced with license revenues and federal aid project reimbursements
31 to the extent that license revenues originally funded the project for
32 which the reimbursement is made.

33 (b) Sealife Enhancement Fund Established. – The Sealife Enhancement Fund is
34 established as a special nonreverting fund within the Department. License revenues shall
35 be deposited in the Fund. The State Treasurer shall invest the assets of the Fund in
36 accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The Commission
37 shall administer the Fund with the advice of the Sealife Enhancement Advisory
38 Committee.

39 (c) Allocation of Moneys From the Fund. – The Secretary shall disburse moneys
40 from the Fund only upon the written direction of the Commission. The Commission shall
41 use the moneys that accrue to the Fund in each fiscal year for the administration and
42 enforcement of the provisions of Subchapter IV of Chapter 113 of the General Statutes
43 related to marine fisheries as follows:

- 1 (1) Resource and habitat enhancement. – Not less than forty percent (40%)
2 of the moneys in the Fund shall be used for resource and habitat
3 enhancement, including, but not limited to, artificial reef construction,
4 restoration and enhancement of submerged aquatic vegetation,
5 acquisition of land or an interest in land that provides for the
6 preservation of critical fisheries habitat, and studies used in the
7 development of a Fishery Management Plan or a Coastal Habitat
8 Protection Plan.
- 9 (2) Law enforcement. – Not more than fifteen percent (15%) of the moneys
10 in the Fund shall be used for law enforcement.
- 11 (3) Marine fisheries research. – Not less than twenty-five percent (25%) of
12 the moneys in the Fund shall be used for marine fisheries research,
13 including, but not limited to, life history studies of commercially or
14 recreationally significant marine and estuarine species or fisheries,
15 sampling and statistical studies, data collection and analysis, fisheries
16 habitat studies, commercial and recreational discard mortality studies,
17 and studies used in the development of a Fishery Management Plan or a
18 Coastal Habitat Protection Plan.
- 19 (4) Grants. – Not more than five percent (5%) of the moneys in the Fund
20 shall be used to fund grants for coastal fishing programs, projects, and
21 scholarships.
- 22 (5) Administration. – Not more than ten percent (10%) of the moneys,
23 exclusive of the license agent fees, in the Fund shall be used for
24 administrative costs.
- 25 (6) Public education and information. – Not less than five percent (5%), but
26 no more than ten percent (10%) of the moneys in the Fund, shall be used
27 for public education and information.
- 28 (d) Sealife Enhancement Advisory Committee. – The Sealife Enhancement
29 Advisory Committee shall advise the Commission on expenditure of license revenues
30 from the Fund. The Advisory Committee shall consist of nine members as follows:
- 31 (1) The Governor shall appoint seven persons each of whom holds a CRFL
32 at the time of appointment. A person appointed under this subdivision
33 must continue to hold a CRFL in order to remain eligible to serve on the
34 Advisory Committee.
- 35 (2) The Director of the Division of Marine Fisheries or the Director's
36 designee shall serve as a nonvoting, ex officio member of the Advisory
37 Committee.
- 38 (3) The Chair of the Marine Fisheries Commission or the Chair's designee
39 shall serve as a nonvoting, ex officio member of the Advisory
40 Committee.
- 41 (e) Report Required. – The Secretary shall submit to the Joint Legislative
42 Commission on Seafood and Aquaculture and the Joint Legislative Commission on
43 Governmental Operations by 30 September of each year a report on the Fund that shall

1 include the source and amounts of all moneys credited to the Fund and the purpose and
2 amount of all expenditures from the Fund during the prior fiscal year.

3 **"§ 113-174.5. License agents.**

4 (a) The Secretary shall designate license agents for the Department. At least one
5 license agent shall be designated for each county that contains or borders on coastal
6 fishing waters. The Secretary may designate additional license agents in any county if the
7 Secretary determines that additional agents are needed to provide efficient service to the
8 public. The Division and license agents designated by the Secretary under this section
9 shall issue licenses authorized under this Article in accordance with this Article and the
10 rules of the Commission.

11 (b) The Secretary may require license agents to enter into a contract that provides
12 for their duties and compensation, post a bond, and submit to reasonable inspections and
13 audits. If a license agent violates any provision of this Article, the rules of the
14 Commission, or the terms of the contract, the Secretary may initiate proceedings for the
15 forfeiture of the license agent's bond and may summarily suspend, revoke, or refuse to
16 renew a designation as a license agent and may impound or require the return of all
17 licenses, moneys, record books, reports, license forms and other documents, ledgers, and
18 materials pertinent or apparently pertinent to the license agency. The Secretary shall
19 report evidence of misuse of State property, including license fees, by a license agent to
20 the State Bureau of Investigation as provided by G.S. 114-15.1.

21 (c) A license agent may deduct a fee of six percent (6%) from the amount
22 collected for each license."

23 Section 2. G.S. 113-168(1) reads as rewritten:

24 "(1) 'Commercial fishing operation' means any activity preparatory to,
25 during, or subsequent to the taking of any fish, the taking of which is
26 subject to regulation by the Commission, either with the use of
27 commercial fishing equipment or gear, or by any means if the purpose
28 of the taking is to obtain fish for sale. Commercial fishing operation
29 does not include (i) the taking of fish as part of a recreational fishing
30 tournament, unless commercial fishing equipment or gear is ~~used or~~
31 used, (ii) the taking of fish under a ~~RCGL~~ RCGL, or (iii) the taking of
32 fish as provided in G.S. 113-261."

33 Section 3. G.S. 113-168.1(a) reads as rewritten:

34 "(a) Duration, Fees. ~~—Except as provided in G.S. 113-173(f), all~~ All licenses and
35 endorsements issued under this Article expire on the last day of the license year. An
36 applicant for any license or endorsement shall pay the full annual fee at the time the
37 applicant applies for the license or endorsement regardless of when application is made."

38 Section 4. G.S. 113-168.1(f) reads as rewritten:

39 "(f) License Issuance and Renewal. ~~—Except as provided in G.S. 113-173(d), the~~ The
40 Division shall issue licenses and endorsements under this Article to eligible applicants at
41 any office of the Division or by mail from the Morehead City office of the Division. A
42 license or endorsement may be renewed in person at any office of the Division or by mail

1 to the Morehead City office of the Division. Eligibility to renew an expired SCFL shall
2 end one year after the date of expiration of the SCFL."

3 Section 5. G.S. 113-168.1(g) reads as rewritten:

4 "(g) Limitations on Eligibility. – A person is not eligible to obtain or renew a
5 license or endorsement under this Article if, at the time the person applies for the license
6 or endorsement, any other license or endorsement issued to the person under this Article
7 or G.S. 113-174.3 is suspended or revoked. A person is not eligible to obtain a license or
8 endorsement under this Article if, within the three years prior to the date of application,
9 the person has been determined to be responsible for four or more violations of state
10 laws, regulations, or rules governing the management of marine and estuarine resources.
11 An applicant for a license under this Article shall certify that the applicant has not been
12 determined to be responsible for four or more violations of state laws, regulations, or
13 rules governing the management of marine and estuarine resources during the previous
14 three years. The Division may also consider violations of federal law and regulations
15 governing the management of marine and estuarine resources in determining whether an
16 applicant is eligible for a license."

17 Section 6. G.S. 113-185(a) reads as rewritten:

18 "(a) It is unlawful to fish in the ocean from vessels or with a net within 750 feet of
19 an ocean pier licensed in accordance with G.S. ~~113-169.4~~ 113-174.2(e). The prohibition
20 shall be effective when:

21 (1) Buoys or beach markers, placed at the owner's expense in accordance
22 with the rules adopted by the Marine Fisheries Commission, indicate
23 clearly to fishermen in vessels and on the beach the requisite distance of
24 750 feet from the pier, and

25 (2) The public is allowed to fish from the pier for a reasonable fee.

26 The prohibition shall not apply to littoral proprietors whose property is within 750 feet of
27 a duly licensed ocean pier."

28 Section 7. G.S. 113-169.4 is repealed.

29 Section 8. G.S. 113-172 is repealed.

30 Section 9. G.S. 113-173 is repealed.

31 Section 10. G.S. 143B-289.52(a) is amended by adding a new subdivision to
32 read:

33 "(13) To adopt rules to define fishing gear as either recreational gear or
34 commercial gear."

35 Section 11. The Division of Marine Fisheries may issue a Lifetime CRFL
36 under G.S. 113-174.2(c)(4) without charge to a person who holds either a Lifetime
37 Resident Comprehensive Fishing License under G.S. 113-271(d)(3) or a Lifetime
38 Sportsman Combination License under G.S. 113-270.1D(b).

39 Section 12. The Joint Legislative Commission on Seafood and Aquaculture
40 shall study issues related to the establishment of a unified recreational fishing license for
41 recreational fishing in both the inland and coastal fishing waters of the State. The
42 Commission shall make specific findings as to whether a unified licensing system should
43 be adopted for recreational fishing in the State and, if so, what that system should be and

1 how it should be implemented. The Commission shall present its findings and
2 recommendations, if any, to the 2000 Regular Session of the 1999 General Assembly.

3 Section 13. Unless otherwise expressly provided, every agency to which this
4 act applies shall adopt rules to implement the provisions of this act only in accordance
5 with the provisions of Chapter 150B of the General Statutes. This act constitutes a recent
6 act of the General Assembly within the meaning of G.S. 150B-21.1. Every agency to
7 which this act applies that is authorized to adopt rules to implement the provisions of this
8 act may adopt temporary rules to implement the provisions of this act. This section shall
9 continue in effect until all rules necessary to implement the provisions of this act have
10 become effective as either temporary rules or permanent rules.

11 Section 14. If any section or provision of this act is declared unconstitutional
12 or invalid by the courts, the unconstitutional or invalid section or provision does not
13 affect the validity of this act as a whole or any part of this act other than the part declared
14 to be unconstitutional or invalid.

15 Section 15. Sections 10, 12, and 15 of this act are effective when this act
16 becomes law. All other sections of this act become effective 1 March 2002. Section 11
17 of this act expires 31 December 2002.