



HOUSE BILL 640: Outdoor Heritage Act

2015-2016 General Assembly

Committee:	Rules, Calendar, and Operations of the House	Date:	April 27, 2015
Introduced by:	Reps. Dixon, Malone, Lucas, Presnell	Prepared by:	Chris Saunders
Analysis of:	PCS to First Edition H640-CSTQ-13 [v.8]		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for House Bill 640 directs the Wildlife Resources Commission (WRC) to study the establishment of the North Carolina Outdoor Heritage Trust Fund, establishes the Outdoor Heritage Advisory Council, creates several WRC studies, and makes various changes to WRC laws.*

The PCS makes the following changes from the First Edition:

- *Gives the Governor the authority to designate the initial Chair of the Outdoor Heritage Advisory Council.*
- *Amends the limitations for hunting on Sunday to prohibit: (i) hunting of all migratory birds on Sunday, (ii) the use of a firearm to take deer that are run or chased by dogs on Sunday, (iii) hunting on Sunday within 500 yards of a place of worship or within 300 yards of a residence not owned by the landowner, and (iv) hunting on Sunday in a county with a population over 700,000 people.*
- *Allows counties to prohibit Sunday hunting by ordinance beginning October 1, 2017.*
- *Eliminates a provision granting WRC the authority to restrict or prohibit the use of dogs in hunting foxes during the breeding and raising seasons for game between April 1 and August 1 of each year.*
- *Amends a statement of intent regarding hunting with dogs.*
- *Eliminates a provision requiring that WRC officers wear body cameras during the execution of certain warrants.*

CURRENT LAW AND BILL ANALYSIS:

Section 1 of the PCS would direct the WRC, in conjunction with the Outdoor Heritage Advisory Council, to develop a plan for establishing and implementing the North Carolina Outdoor Heritage Trust Fund for Youth Outdoor Heritage Promotion. The Trust Fund would be used to provide for the expansion of outdoor opportunities for persons 16 years of age or younger, would be funded through voluntary check-off donations of not more than \$2.00 on transactions processed through WRC, and would be administered by the Outdoor Heritage Advisory Council.

Section 2 of the PCS would establish the Outdoor Heritage Advisory Council (Council), an independent entity tasked with advising State agencies and the General Assembly on the promotion of outdoor recreational activities. The Council would have 11 members, 3 to be appointed by the President Pro Tempore of the Senate, 3 to be appointed by the Speaker of the House, 3 to be appointed by the Governor, 1 to be appointed by the Commissioner of Agriculture, and 1 to be appointed by the Chair of

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the Wildlife Resources Commission. The members would have staggered four-year terms. This section would become effective July 1, 2015.

Section 3 of the PCS would direct the Legislative Research Commission (LRC) to study the need for expanded access to public lands, including the ways in which public land management plans affect opportunities to engage in outdoor recreational activities, and make recommendations on how to increase the public's opportunities to access public lands for outdoor recreational purposes.

Section 4 of the PCS would require a two-year suspension of a hunting license for any individual who receives a third or subsequent conviction for trespassing on posted property for the purpose of hunting. Section 4 would also direct the WRC to review the statutes that provide for the suspension of hunting privileges for a conviction of criminally negligent hunting and make recommendations as to whether those provisions should be amended or expanded. The WRC must consult with organized hunting clubs and public interest groups in developing its findings.

Section 5 of the PCS would allow hunting with firearms seven days a week, except that the following activities would be prohibited on Sunday: (i) hunting of migratory birds; (ii) using a firearm to take deer that are run or chased by dogs; (iii) hunting within 500 yards of a place of worship or any accessory structure thereof, or within 300 yards of a residence not owned by the landowner; and (iv) hunting in a county having a population having greater than 700,000 people. After October 1, 2017, counties would have the authority to prohibit hunting on Sunday by ordinance. Any such ordinance would have to be applicable for the entire calendar year, allow for retrieval of animals shot lawfully in an adjacent county, and be applicable to the entire county.

Section 6 of the PCS would require the WRC to amend its rules to provide that cub bears are those bears that weigh less than 75 pounds. Currently, a cub bear is defined by WRC rule as weighing less than 50 pounds.

Section 7 of the PCS would require the WRC to prohibit the use of dogs for fox hunting between April 1 and August 1 in Bladen Lakes State Forest Game Land. This section would become effective June 1, 2015.

Section 8 of the PCS would codify a policy statement recognizing the importance of hunting with dogs to North Carolina's outdoor heritage and encouraging cooperative and neighborly agreements between landowners and hunters for the retrieval of hunting dogs, and would provide that any landowner or lessee who grants a hunter permission to enter the land to retrieve hunting dogs owes that hunter the same duty of care that the landowner or lessee would owe a trespasser.

Section 9 of the PCS contains a severability clause.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective October 1, 2015.