



HOUSE BILL 324: Cleveland County Hunting Omnibus.

2019-2020 General Assembly

Committee: House State and Local Government. If **Date:** April 3, 2019
favorable, re-refer to Wildlife Resources. If
favorable, re-refer to Rules, Calendar, and
Operations of the House

Introduced by: Rep. Hastings

Prepared by: Howard Marsilio

Analysis of: First Edition

Committee Counsel

OVERVIEW: *House Bill 324 would make various changes to hunting acts and laws affecting Cleveland County, effective October 1, 2019.*

CURRENT LAW/BILL ANALYSIS:

Section 1.(a) would:

- Repeal Chapter 388 of Public Law 1907 which prohibits catching or killing any fox in Cleveland County, and parts of Burke County, between March 1 and December 1 with exceptions.
- Repeal Chapter 1101 of the 1951 Session Laws which prohibits taking or killing a red fox by gun, trap, or otherwise in Cleveland County.
- Repeal Sections 1, 3,
- and 6 of Chapter 587 of the 1979 Session Laws which:
 - Prohibits a person from possessing, or hunting with, any centerfire rifle upon, over or across lands of another without written permission of the property owner or lessee.
 - Prohibits a person from hunting or taking or killing deer upon land at any time without written permission of the land owner or lessee, which remains valid for only 10 days.
 - Specifies that the act is only effective to those lands in Cleveland County lying north of US 74 and south of secondary road 1361 and NC 182.

Section 1.(b):

G.S. 113-133.1 lists those acts preserved by State law when G.S. 113-133.1 was enacted.

Section 1.(b) of this bill would make conforming changes to remove cross-references within G.S. 113-133.1(e) which affected Cleveland County.

Section 1.(c):

Sections 2 and 5 of Chapter 587 of the 1979 Session Laws prohibit a person from discharging any centerfire rifle from, to, or across any State-maintained road and authorizes law enforcement officers and wildlife protectors to enforce the provisions of the act, upon request of the landowner.

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Section 1.(c) of this bill would expand the prohibition to prohibit a person from discharging any firearm from, to, or across any State-maintained road, and remove the need for a landowner request for law enforcement to enforce the provisions of the act.

Section 2:

Currently, Section 1of S.L. 2018-10 enacted an open season for taking of foxes with weapons, and foxes and coyotes by trapping during the trapping season set by the Wildlife Resources Commission, with no tagging requirements prior to or after sale, and removes the bag limit for coyotes and foxes. This section only applies to certain counties. It currently does not apply to Cleveland County.

Section 2 of this bill would add Cleveland County to the list of counties to which S.L. 2018-10 applies.

EFFECTIVE DATE: This act would become effective October 1, 2019.

BACKGROUND: In November 2018, the voters of this State approved an amendment to the North Carolina Constitution stating that it is the “right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good.” The amendment further provides that the right of the people to hunt, fish, and harvest wildlife is subject only to laws enacted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. The amendment also included language that it did not modify any provision of law relating to trespass, property rights, or eminent domain. At this time, no appellate court decisions have been issued to interpret this Section of the Constitution.