



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 324: Cleveland/Caldwell Counties Hunting Omnibus.

2019-2020 General Assembly

Committee:	House Wildlife Resources. If favorable, re-	Date:	April 16, 2019
	refer to Rules, Calendar, and Operations of the House		
Introduced by:	Rep. Hastings	Prepared by:	Kyle Evans
Analysis of:	PCS to First Edition		Staff Attorney
	H324-CSBR-6		

OVERVIEW: House Bill 324 would make various changes to local hunting acts for Cleveland County, to become effective October 1, 2019.

The Proposed Committee Substitute for H324 would clarify that a certain local act applies to the entirety of Cleveland County, rather than a portion of the county, and add Caldwell County to the list of counties with an open season for taking foxes with weapons and trapping foxes/coyotes during a trapping season without tagging requirements or bag limits.

CURRENT LAW/BILL ANALYSIS:

Section 1.(a) would repeal the following local acts:

- 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.
- Chapter 1101 of the 1951 Session Laws, which prohibits taking or killing a red fox by gun, trap, or otherwise in Cleveland County.
- Sections 1 and 3 of Chapter 587 of the 1979 Session Laws (S.L. 1979-587), 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.

Section 1.(b) would make conforming changes.

Section 1.(c) would amend S.L. 1979-587 to prohibit a person from discharging a firearm from the roadway or right-of-way of any State-maintained road or highway, remove the need for a landowner request for a law enforcement officer to enforce that prohibition, and expand the applicability to all of Cleveland County. Under current law, S.L. 1979-587 only prohibits the discharge of a centerfire rifle from the any State-maintained road or highway, law enforcement officers are only authorized to enforce the prohibition upon the request of a landowner or lessee of land, and the act only applies to the portion of Cleveland County north of U.S. 74 and south of secondary road 1361 and N.C. 182.

Section 2 – S.L. 2018-10 created an open season for taking foxes with weapons, and foxes and coyotes by trapping during trapping seasons established by the Wildlife Resources Commission, which no tagging

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requirements or bag limits in Cabarrus, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties. This section would amend S.L. 2018-10 to include Caldwell and Cleveland Counties.

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.

Howard Marsilio, Staff Attorney, contributed significantly to this summary.