



# HOUSE BILL 49: Responsible Deer Management Act.

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

2019-2020 General Assembly

<b>Committee:</b>	House Wildlife Resources. If favorable, re-refer to Agriculture. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 12, 2019
<b>Introduced by:</b>	Reps. Pittman, Sasser	<b>Prepared by:</b>	Chris Saunders Committee Counsel
<b>Analysis of:</b>	PCS to First Edition H49-CSTQ-1 [v.4]		

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 49, as amended, would provide that no license is needed for a property owner or a lessee of property used for agriculture to take wildlife while hunting upon the property, subject to daily and season limits, but a depredation permit is required to take more than the daily and season limits. The PCS would also provide that when a property owner or lessee requests a depredation permit for deer, Wildlife Resources Commission staff must study the number of deer that may be taken from the property. Further, the PCS would impose a duty to avoid wanton waste on any landowner or lessee with respect to deer taken on the property.*

**CURRENT LAW AND BACKGROUND:** Under current law, a depredation permit authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Depredation permits are issued for taking wildlife that is or has been damaging or destroying property provided there is evidence of property damage or for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. The permit must state the manner of taking and the disposition of the wildlife or wildlife resources to be taken, and it must state the time for which the permit is valid, plus any other restrictions.

Currently, no depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations while upon the property. However, pursuant to Wildlife Resources Commission (WRC) rule 15A NCAC 10B .0106(e)(1), an animal taken without a depredation permit must be buried or otherwise disposed of in a safe and sanitary manner on the property. The edible portions of feral swine and deer may be retained by the landholder for consumption but may not be transported from the property where the depredations took place without a valid depredation permit. Under WRC rule 15A NCAC 10B .0106(d)(3), It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

**BILL ANALYSIS:** The PCS would provide that no license is needed for a property owner or a lessee of property used for agriculture to take wildlife while hunting upon the property, but daily and season bag limits apply. A depredation permit would allow the owner or lessee of property to exceed daily or season bag limits.

When the owner or lessee of property requests a depredation permit for deer, staff from WRC must study the deer population on the property and make an estimate of the number of deer that may reasonably be

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taken from the property as a remedy for depredation. The permit must include that number of deer as the taking limit for that property, and the limit applies to the owner and any lessee of the property.

Any owner or lessee of property who takes wildlife on the property must notify WRC within 24 hours by email or an online reporting process.

The PCS also directs WRC to impose a duty to avoid wanton waste upon any owner or lessee of property with respect to deer taken on the property. "Wanton waste" means "to kill or cripple a deer without making a reasonable effort to retrieve and properly dispose of it." To "properly dispose" of a deer includes donations of venison to food banks and other nonprofit organizations, but does not include sales.

**EFFECTIVE DATE:** This act becomes effective October 1, 2019, and the Commission may adopt temporary rules to implement the provisions of the act.