



HOUSE BILL 597: Wildlife Resources Commission Amends.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	August 6, 2019
Introduced by:	Reps. Adams, Henson, Wray, Yarborough	Prepared by:	Kyle Evans and Chris Saunders
Analysis of:	Sixth Edition		Staff Attorneys

OVERVIEW: *House Bill 597 would make various changes to the Wildlife Resources Commission's (WRC) laws, licenses, and fees.*

CURRENT LAW AND BILL ANALYSIS:

Section 1 would require the owner of a vessel registered with the WRC to place a WRC-issued validation decal on both sides of the vessel, along with the vessel's identification number. Current law requires that the validation decal is placed only on the starboard side of the vessel.

Section 2 would make technical changes to definitions relating to resources, and would create new definitions as follows:

- "Mountain Heritage Trout Waters," which are waters that run through or are adjacent to a Mountain Heritage Trout City, as designated by WRC pursuant to G.S. 113-273(e).
- "Public Mountain Trout Waters," which are waters that are managed and regulated to sustain a mountain trout fishery, as designated by WRC.
- "Wildlife Resources Commission Property," which are all lands, game lands, wildlife refuges, artificial constructions in boating and fishing access areas, and all other property owned, allocated to, leased, controlled, or cooperatively managed and designated for public use by WRC.

Section 3 would allow a person holding a trophy sale permit to sell permanently preserved bears or tanned bear hides and permanently preserved turkeys or turkey parts.

Section 4 would allow a person holding a Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License to keep that license even if the licensee becomes less than 50% disabled. Current law requires that the license is only valid so long as the licensee remains 50% or more disabled.

Section 5 – The Appropriations Act of 2017 authorized the State Treasurer to invest funds in the Wildlife Endowment Fund (Fund), which is used to support wildlife conservation programs, in any of several investments provided in statute. This section would make conforming changes to refer to "investment income" of the Fund, as opposed to only interest income. This section would also add the proceeds from the sale of lifetime trapping licenses to the assets of the Fund.

Section 6 would make various license changes, including fee adjustments and new licenses (listed as Appendix A, below), as follows:

- **Section 6.(a)** would make all licenses, permits, stamps, and certifications valid from the date of issue for a period of 12 months, unless indicated otherwise. This section would also allow WRC to establish fees for all licenses, permits, stamps, and certifications, except the Recreational

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Commercial Gear License, and round those fees up to the next whole dollar based on the Consumer Price Index for All Urban Consumers.

- **Section 6.(b)** would make conforming changes to the Combination Hunting and Inland Fishing License concerning trapping and the use of WRC property, increase a license fee, and allow a person holding a Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License to keep that license even if the licensee becomes less than 50% disabled.
- **Section 6.(c)** would make conforming changes to the Sportsman Licenses to exclude trapping and to allow access to and use of WRC property. This section would also clarify that Sportsman Licenses purchased before January 1, 2006, still entitle the holder to engage in fishing in coastal waters.
- **Section 6.(d)** would:
 - Make conforming changes to certain Hunting Licenses to exclude trapping and to allow access to and use of WRC property;
 - Increase license fees;
 - Allow for the take of coyotes, rabbits, chukars, and Hungarian partridges with a Controlled Hunting Preserve Hunting License; and
 - Create a Falconry Hunting License.
- **Section 6.(e)** would increase the fees for Nonresident Big Game Hunting Licenses, make a conforming change to the Game Land License, and require a hunting license in addition to a falconry license when taking wildlife by means of falconry.
- **Section 6.(f)** would provide that a trapping license entitles the licensee to access and use WRC property; prohibit any person from taking wild animals by trapping during open trapping seasons without a valid trapping license; and create a Resident Lifetime Trapping License.
- **Section 6.(g)** would:
 - Make conforming changes to the Hook-and-Line Licenses concerning the use of WRC property;
 - Repeal the Resident Annual Comprehensive Inland Fishing License;
 - Recodify the Mountain Heritage Trout Waters 3-Day Fishing License; and
 - Allow a person holding a Resident Disabled Veteran Lifetime Inland Fishing License to keep that license even if the licensee becomes less than 50% disabled.
- **Section 6.(h)** would repeal G.S. 113-272, which provides for Special Trout Licenses and Mountain Heritage Trout Waters 3-Day Fishing Licenses. Those licenses would be recodified in G.S. 113-271, Hook-and-Line Licenses in inland and joint fishing waters.
- **Section 6.(i)** would make conforming changes concerning lifetime licenses, require a birth certificate or other proof of age for the issuance of an Age 70 Resident Lifetime License, and create the Mountain Heritage Trout Waters Program to promote trout fishing as a heritage tourism activity.
- **Section 6.(j)** would:
 - Make conforming changes concerning collection licenses;

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- Remove the requirement that person obtaining a collection license be "qualified;"
- Increase a license fee;
- Remove the collection license fee waiver for educational, scientific, or governmental applicants; and
- Authorize WRC to adopt rules to utilize replacement costs of wildlife resources to offset the impact of collection or possession activities.
- **Section 6.(k)** would make conforming changes concerning captivity licenses, remove the requirement that a person obtaining a captivity license be "qualified," increase captivity license fees, and allow the Executive Director to prescribe methods of treatment that do not necessarily require the wild animal or wild bird to be set free when the animal or bird is self-sufficient.
- **Section 6.(l)** would:
 - Make all miscellaneous licenses issued under G.S. 113-273 annual licenses running from January 1 to December 31 unless otherwise provided;
 - Repeal a cost cap of \$2.25 on WRC tags;
 - Allow hunting of chukars and Hungarian partridges on hunting preserves;
 - Allow hunting preserves that are areas enclosed with dog-proof fence on which rabbits are hunted with dogs only;
 - Increase license fees;
 - Establish a cervid taxidermy certification, the proceeds of which would be used to fund the Cervid Health Cooperator Program and for other chronic wasting disease surveillance;
 - Establish a wildlife control agent license for individuals who engage in wildlife damage control or removal for compensation; and
 - Establish an alligator control agent certification for individuals who engage in alligator damage control or removal for compensation.
- **Section 6.(m)** would provide that permits run through December 31 of any calendar year and establish fees for possession, exportation, importation, trophy sale, endangered species, and field trial permits. Endangered species permits and field trial authorizations are currently issued by WRC by rule.
- **Section 6.(n)** would make conforming changes.
- **Section 6.(o)** would make conforming changes.
- **Section 6.(p)** would repeal a cost cap of \$2.25 on WRC tags for fur-bearing animals.
- **Section 6.(q)** would make a conforming change.

Section 7 would require a trapper to include on any steel-jaw, leghold, or conibear trap either the trapper's name and address or the trapper's WRC-issued identification number and the phone number for WRC's hotline to report wildlife violations. If the trapper places a trap on the property of another that gives the trapper's trapper identification number instead of the trapper's name and address, WRC must disclose the identity of the trapper to the landowner upon the landowner's request.

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Section 8 would give WRC inspectors and protectors jurisdiction to enforce the provisions of Article 19B of Chapter 106 of the General Statutes, concerning plant protection and conservation, pursuant to a formal agreement with the North Carolina Plant Conservation Board.

Section 9 would add a representative of the North Carolina Association of County Commissioners to the Beaver Damage Control Advisory Board, and remove the Director of the North Carolina Cooperative Extension from that same Board. This section would also change the Beaver Management Assistance Program enrollment dates for counties and increase the fee to participate in the Program from \$4,000 to \$6,000.

Section 10 would make various changes to the statutes concerning regulation of certain reptiles.

- Under current law, permanent enclosures for venomous reptiles must be escape-proof, bite-proof, and have an operable lock, while transport containers for venomous reptiles must only be designed to be escape-proof and bite-proof. **Section 10.(a)** would require transport containers for venomous reptiles also to have an operable lock.
- Under current law, permanent enclosures for large constricting snakes must be escape-proof and have an operable lock, while transport containers must only be escape-proof. **Section 10.(b)** would require transport containers for large constricting snakes also to have an operable lock.
- Under current law, permanent enclosures for crocodylians must be escape-proof, have a fence of sufficient strength to prevent contact between an observer and the crocodylian, and have an operable lock, and transport containers for crocodylians must be escape-proof. **Section 10.(c)** would require transport containers for crocodylians also to be locked.
- Under current law, if a law enforcement officer or animal control officer believes that the reptile laws have been or are about to be violated, the officer has a duty to investigate the violation and consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoo to assist with the identification, interim disposition, and appropriate handling and seizure of any reptile in the course of the officer's investigation. **Section 10.(d)** would give an officer discretion over whether to investigate the violation, and would provide that a designated representative of the Department of Natural and Cultural Resources may assist the law enforcement or animal control officer with the officer's investigation.
- **Section 10.(e)** would repeal the requirement that enforcement officers arrest any person owning, possessing, using, transporting, or trafficking a venomous reptile, large constricting snake, or crocodylian in violation of the Article concerning regulation of those reptiles.

Section 11 – Under current law, no turkey may be taken from "an area" in which bait has been placed until 10 days after the bait has been consumed or removed. This section would clarify the scope of "an area" as being within 300 yards of any place in which bait has been placed, and require a knowing mental state for a violation.

Section 12 would allow an eligible volunteer firefighter who has served for at least five consecutive years to obtain a lifetime hunting or fishing license for a fee amount equal to ½ of the applicable fee amount. The Wildlife Resources Commission currently issues six different lifetime licenses, varying in cost from \$250 to \$675. The bill, in Section 6(f), creates a seventh lifetime license for trapping. To be an eligible firefighter, a person must meet the requirements of G.S. 58-86-25, which requires a firefighter to attend at least 36 hours of training each calendar year. A list of firefighters who have completed this training is compiled by each fire department and submitted annually to the North Carolina State Firefighters' Association. Lifetime licenses may only be purchased from a local wildlife service agent or through the Wildlife Resources Commission. An eligible firefighter who purchases a lifetime license at a reduced rate,

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as provided by this section, would need to submit the appropriate documentation requirements with the application.

EFFECTIVE DATE: Sections 1 through 6 would become effective August 1, 2019. Sections 7 and 12 would become effective October 1, 2019. Section 9 would become effective January 1, 2020. Except as otherwise provided, this bill would be effective when it becomes law.

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.

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APPENDIX OF FEE CHANGES

License/Certification/Permit Type	Current Fee		Proposed Fee	
Resident Annual Combination Hunting and Inland Fishing	\$25		\$35	
Resident State Hunting	\$20		\$25	
Nonresident State Hunting	Season \$80	Ten-Day \$60	Season \$100	Ten-Day \$80
Falconry Hunting	New License		\$25	
Nonresident Big Game Hunting	Season \$80	Ten-Day \$60	Season \$100	Ten-Day \$80
Resident Lifetime Trapping	New		\$300	
Resident State Inland Fishing	\$20		\$25	
Nonresident State Inland Fishing	\$36		\$45	
Resident 10-Day Inland Fishing	\$7		\$9	
Nonresident 10-Day Inland Fishing	\$18		\$23	
Mountain Heritage Trout Waters	Three-Day \$5		Three-Day \$8	
Collection	\$5		\$10	
Captivity for Holding	\$5		\$50	
Captivity for Rehabilitation	\$5		\$10	
Controlled Hunting Preserve Operator	\$50		\$100	
Game Bird Propagation	\$5		\$10	
Taxidermy	\$10		\$50	
Taxidermy Cervid Certification	New		\$5	
Wildlife Control Agent Certification	New		\$50	
Alligator Control Agent Certification	New		\$25	
Possession Permit	\$0		\$10	
Exportation/Importation Permit	\$0		\$10	
Trophy Wildlife Sale Permit	\$0		\$10	
Endangered Species Permit	\$0		\$10	
Field Trial Permit	\$0		\$10	