



HOUSE BILL 597: Wildlife Resources Commission Amends.

2019-2020 General Assembly

Committee:		Date:	December 13, 2019
Introduced by:		Prepared by:	Chris Saunders Staff Attorney
Analysis of:	S.L. 2019-204		

OVERVIEW: *S.L. 2019-204 makes the following changes to the Wildlife Resources Commission's (WRC) laws, licenses, and fees:*

- *Requires 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.*
- *Makes technical changes to definitions relating to resources, and adds definitions for "Mountain Heritage Trout Waters," "Public Mountain Trout Waters," and "Wildlife Resources Commission Property."*
- *Allows a person holding a trophy sale permit to sell permanently preserved bears or tanned bear hides and permanently preserved turkeys or turkey parts.*
- *Allows 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.*
- *Makes conforming changes to refer to "investment income" of the Wildlife Endowment Fund, as opposed to only interest income.*
- *Makes all licenses, permits, stamps, and certifications valid from the date of issue for a period of 12 months, unless indicated otherwise.*
- *Allows WRC to establish fees for all licenses, permits, stamps, and certifications, except the Recreational Commercial Gear License, and round those fees up to the next whole dollar based on the Consumer Price Index for All Urban Consumers.*
- *Creates new WRC licenses, modifies or recodifies several existing WRC licenses and increases numerous WRC license fees.*
- *Makes conforming changes to the Sportsman Licenses to exclude trapping and to allow access to and use of WRC property.*
- *Requires 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.*
- *Gives WRC inspectors and protectors jurisdiction to enforce the provisions of Article 19B of Chapter 106 of the General Statutes, concerning plant protection and conservation.*

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- *Adds a representative of the North Carolina Association of County Commissioners to the Beaver Damage Control Advisory Board, and removes the Director of the North Carolina Cooperative Extension from that same Board.*
- *Changes the Beaver Management Assistance Program enrollment dates for counties and increases the fee to participate in the Program from \$4,000 to \$6,000.*
- *Makes various changes to the statutes concerning regulation of venomous reptiles, large constricting snakes, and crocodilians.*
- *Clarifies the scope of "an area" with regard to turkey hunting with bait as being within 300 yards of any place in which bait has been placed, and requires a knowing mental state for a violation.*
- *Allows 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 half of the applicable fee amount.*

Sections 1 through 6 of this act became effective September 1, 2019. Sections 7 and 12 of this act became effective October 1, 2019. Section 9 becomes effective January 1, 2020. Section 10 of this act became effective December 1, 2019, and applies to offenses committed after that date. The remainder of this act became effective August 27, 2019.

CURRENT LAW AND BILL ANALYSIS:

Section 1 requires 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 makes technical changes to definitions relating to resources, and creates 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 allows 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 allows 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 makes conforming changes to refer to "investment income" of the Fund, as opposed to only interest income. This section also adds the proceeds from the sale of lifetime trapping licenses to the assets of the Fund.

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

- **Section 6.(a)** makes all licenses, permits, stamps, and certifications valid from the date of issue for a period of 12 months, unless indicated otherwise. This section also allows WRC to establish fees for all licenses, permits, stamps, and certifications, except the Recreational 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)** makes conforming changes to the Combination Hunting and Inland Fishing License concerning trapping and the use of WRC property, increases a license fee, and allows 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)** makes conforming changes to the Sportsman Licenses to exclude trapping and to allow access to and use of WRC property. This section also clarifies that Sportsman Licenses purchased before January 1, 2006, still entitle the holder to engage in fishing in coastal waters.
- **Section 6.(d)** makes conforming changes to certain Hunting Licenses to exclude trapping and to allow access to and use of WRC property; increases license fees; allows for the taking of coyotes, rabbits, chukars, and Hungarian partridges with a Controlled Hunting Preserve Hunting License; and creates a Falconry Hunting License.
- **Section 6.(e)** increases the fees for Nonresident Big Game Hunting Licenses, makes a conforming change to the Game Land License, and requires a hunting license in addition to a falconry license when taking wildlife by means of falconry.
- **Section 6.(f)** provides that a trapping license entitles the licensee to access and use WRC property; prohibits any person from taking wild animals by trapping during open trapping seasons without a valid trapping license; and creates a Resident Lifetime Trapping License.
- **Section 6.(g)** makes conforming changes to the Hook-and-Line Licenses concerning the use of WRC property; repeals the Resident Annual Comprehensive Inland Fishing License; recodifies the Mountain Heritage Trout Waters 3-Day Fishing License; and allows 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)** repeals G.S. 113-272, which provides for Special Trout Licenses and Mountain Heritage Trout Waters 3-Day Fishing Licenses. Those licenses are recodified in G.S. 113-271, Hook-and-Line Licenses in inland and joint fishing waters.
- **Section 6.(i)** makes conforming changes concerning lifetime licenses, requires a birth certificate or other proof of age for the issuance of an Age 70 Resident Lifetime License, and creates the Mountain Heritage Trout Waters Program to promote trout fishing as a heritage tourism activity.
- **Section 6.(j)** makes conforming changes concerning collection licenses; removes the requirement that person obtaining a collection license be "qualified;" increases a license fee; removes the collection license fee waiver for educational, scientific, or governmental applicants; and authorizes WRC to adopt rules to utilize replacement costs of wildlife resources to offset the impact of collection or possession activities.
- **Section 6.(k)** makes conforming changes concerning captivity licenses, removes the requirement that a person obtaining a captivity license be "qualified," increases captivity license fees, and

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allows 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)** makes 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; allows hunting of chukars and Hungarian partridges on hunting preserves; allows hunting preserves that are areas enclosed with dog-proof fence on which rabbits are hunted with dogs only; increases license fees; establishes a cervid taxidermy certification, the proceeds of which will be used to fund the Cervid Health Cooperator Program and for other chronic wasting disease surveillance; establishes a wildlife control agent license for individuals who engage in wildlife damage control or removal for compensation; and establishes an alligator control agent certification for individuals who engage in alligator damage control or removal for compensation.
- **Section 6.(m)** provides that permits run through December 31 of any calendar year and establishes 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)** makes conforming changes.
- **Section 6.(o)** makes conforming changes.
- **Section 6.(p)** repeals a cost cap of \$2.25 on WRC tags for fur-bearing animals.
- **Section 6.(q)** makes a conforming change.

Section 7 requires 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.

Section 8 gives 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 adds a representative of the North Carolina Association of County Commissioners to the Beaver Damage Control Advisory Board, and removes the Director of the North Carolina Cooperative Extension from that same Board. This section also changes the Beaver Management Assistance Program enrollment dates for counties and increases the fee to participate in the Program from \$4,000 to \$6,000.

Section 10 makes 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)** requires 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)** requires 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

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operable lock, and transport containers for crocodylians must be escape-proof. **Section 10.(c)** requires 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)** gives an officer discretion over whether to investigate the violation, and provides 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)** repeals 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 clarifies the scope of "an area" as being within 300 yards of any place in which bait has been placed, and requires a knowing mental state for a violation.

Section 12 allows an eligible volunteer firefighter who has served for at least five consecutive years to obtain any adult resident lifetime license for a fee amount equal to half of the applicable fee amount. The Wildlife Resources Commission currently issues six different lifetime licenses, varying in cost from \$250 to \$675. This act, 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, as provided by this section, must submit the appropriate documentation requirements with the application.

EFFECTIVE DATE: Sections 1 through 6 of this act became effective September 1, 2019. Sections 7 and 12 of this act became effective October 1, 2019. Section 9 of this act becomes effective January 1, 2020. Section 10 of this act became effective December 1, 2019, and applies to offenses committed after that date. The remainder of this act became effective August 27, 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.

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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	