

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1059
Committee Substitute Favorable 6/4/14
PROPOSED COMMITTEE SUBSTITUTE H1059-PCS40255-SV-46

Short Title: Venus Flytrap-Taking Penalty/Occup. Tax Use.

(Local)

Sponsors:

Referred to:

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO MAKE THE LARCENY OF VENUS FLYTRAPS IN NEW HANOVER,
BRUNSWICK, ONSLOW, AND PENDER COUNTIES A FELONY OFFENSE AND TO
MODIFY THE NEW HANOVER OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Any person who takes and carries away, or aids in taking or carrying away, any Venus flytrap (*Dionaea muscipula*) plant or the seed of any Venus flytrap plant growing upon the lands of another person with the intent to steal the Venus flytrap plant or seed is guilty of a Class H felony.

SECTION 1.(b) G.S. 14-129 reads as rewritten:

"§ 14-129. Taking, etc., of certain wild plants from land of another.

No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any Venus flytrap (*Dionaea muscipula*), trailing arbutus, Aaron's Rod (*Thermopsis caroliniana*), Bird-foot Violet (*Viola pedata*), Bloodroot (*Sanguinaria canadensis*), Blue Dogbane (*Amsonia tabernaemontana*), Cardinal-flower (*Lobelia cardinalis*), Columbine (*Aquilegia canadensis*), Dutchman's Breeches (*Dicentra cucullaria*), Maidenhair Fern (*Adiantum pedatum*), Walking Fern (*Camptosorus rhizophyllus*), Gentians (*Gentiana*), Ground Cedar, Running Cedar, Hepatica (*Hepatica americana* and *acutiloba*), Jack-in-the-Pulpit (*Arisaema triphyllum*), Lily (*Lilium*), Lupine (*Lupinus*), Monkshood (*Aconitum uncinatum* and *reclinatum*), May Apple (*Podophyllum peltatum*), Orchids (all species), Pitcher Plant (*Sarracenia*), Shooting Star (*Dodecatheon meadia*), Oconee Bells (*Shortia galacifolia*), Solomon's Seal (*Polygonatum*), Trailing Christmas (Greens-Lycopodium), Trillium (*Trillium*), Virginia Bluebells (*Mertensia virginica*), and Fringe Tree (*Chionanthus virginicus*), American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. ~~Any~~ Unless the conduct is covered under some other provision of law providing greater punishment, any person convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor only punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. The provisions of this section shall not apply to the Counties of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan and Swain."



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1 **SECTION 1.(c)** This section applies only to New Hanover, Brunswick, Onslow,
2 and Pender counties.

3 **SECTION 2.** Section 7(d) of S.L. 2006-167 reads as rewritten:

4 "**SECTION 7.(d)** Distribution and Use of Tax Revenue. – New Hanover County District U
5 shall ~~deposit one hundred percent (100%) of the net proceeds of the room occupancy and~~
6 ~~tourism development tax levied under this section into a special fund, the cash balance of which~~
7 ~~shall be deposited at interest or invested in accordance with G.S. 159-30. These funds shall be~~
8 ~~used only for beach nourishment.~~ distribute and use the net proceeds of the room occupancy
9 and tourism development tax levied under this section as set out in this subsection. In
10 accordance with the North Carolina Constitution and the United States Constitution, the tax
11 proceeds may be used only for the direct benefit of the jurisdiction of New Hanover District U.
12 None of the proceeds may be used for beach nourishment in areas within New Hanover County
13 that are outside of the district. As used in this subsection, the term "Authority" means the Cape
14 Fear Coast Convention and Visitors Bureau, which has been established as a tourism
15 development authority.

16 (1) Proceeds collected prior to July 1, 2014. – Within 30 days of the effective
17 date of this act, New Hanover County District U shall remit to the Authority
18 the net proceeds of the tax that have been collected by the district prior to
19 July 1, 2014. The Authority shall use one hundred percent (100%) of the
20 funds remitted to it under this subdivision for tourism-related expenditures in
21 the district.

22 (2) Proceeds collected on or after July 1, 2014. – New Hanover County District
23 U shall, on a quarterly basis, remit to the Authority the net proceeds of the
24 tax collected by the district on or after July 1, 2014. The Authority shall use
25 at least two-thirds of the funds remitted to it under this subdivision for
26 tourism promotion and shall use the remainder for tourism-related
27 expenditures in the district."

28 **SECTION 3.** Section 1 of this act becomes effective December 1, 2014, and
29 applies to offenses committed on or after that date. The remainder of this act is effective when
30 it becomes law.