

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH30245-LL-86B (02/16)

Short Title: Outdoor Heritage Act.

(Public)

Sponsors: Representatives Dixon, Malone, Lucas, and Presnell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PRESERVE NORTH CAROLINA'S OUTDOOR HERITAGE FOR FUTURE
3 GENERATIONS AND AMEND VARIOUS WILDLIFE RESOURCES COMMISSION
4 LAWS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. DEVELOPMENT OF NORTH CAROLINA OUTDOOR HERITAGE TRUST**
8 **FUND**

9 **SECTION 1.** The Wildlife Resources Commission, in conjunction with the
10 Outdoor Heritage Advisory Council established by Section 2 of this act, shall develop a plan
11 for establishing and implementing the North Carolina Outdoor Heritage Trust Fund for Youth
12 Outdoor Heritage Promotion. The plan shall provide for the Trust Fund:

- 13 (1) To provide for the expansion of opportunities for persons age 16 and under
14 to engage in outdoor recreational activities, including, but not limited to,
15 hiking, horseback riding, boating, sport shooting and archery, bird watching
16 and wildlife watching, camping, swimming, hunting, trapping, and fishing,
17 in order to pass on North Carolina's outdoor heritage to future generations.
18 (2) To be eligible for the receipt of funds through check-off donations of not
19 more than two dollars (\$2.00) by persons paying for transactions processed
20 through the Commission, including, but not limited to, hunting and fishing
21 licenses, or paying outdoor access fees issued by other organizations and
22 also through donations from private organizations or citizens.
23 (3) To be administered by the Outdoor Heritage Advisory Council established
24 by Section 2 of this act.

25 The Wildlife Resources Commission shall provide a final report on the development
26 of the plan for establishing and implementing the Trust Fund to the 2015 General Assembly
27 when it reconvenes in 2016.

28
29 **PART II. ESTABLISHMENT OF OUTDOOR HERITAGE ADVISORY COUNCIL**

30 **SECTION 2.(a)** Article 7 of Chapter 143B of the General Statutes is amended by
31 adding a new Part to read:

32 "Part 36. Outdoor Heritage Advisory Council.

33 **"§ 143B-344.60. Outdoor Heritage Advisory Council.**

34 (a) The Outdoor Heritage Advisory Council is established within the North Carolina
35 Wildlife Resources Commission for organizational and budgetary purposes only. The Council
36 shall exercise all of its statutory powers independent of control by the Executive Director of the



1 Wildlife Resources Commission. The Council shall advise State agencies and the General
2 Assembly on the promotion of outdoor recreational activities, including, but not limited to,
3 hiking, horseback riding, boating, sport shooting and archery, bird watching and wildlife
4 watching, camping, swimming, hunting, trapping, and fishing, in order to preserve North
5 Carolina's outdoor heritage for future generations.

6 (b) The Council shall consist of 11 members, appointed as follows:

7 (1) Three members appointed by the General Assembly, upon the
8 recommendation of the President Pro Tempore of the Senate.

9 (2) Three members appointed by the General Assembly, upon the
10 recommendation of the Speaker of the House of Representatives.

11 (3) Three members appointed by the Governor.

12 (4) One member appointed by the Commissioner of Agriculture.

13 (5) One member appointed by the Chair of the Wildlife Resources Commission.

14 All members of the Council shall have knowledge and experience in outdoor recreational
15 activities and have a demonstrated interest in promoting outdoor heritage.

16 (c) The terms of the initial members of the Council shall commence October 1, 2015.
17 Of the Governor's initial appointments, one member shall be designated to serve a term of three
18 years, one member shall be designated to serve a term of two years, and one member shall be
19 designated to serve a term of one year. Of the initial appointments by the President Pro
20 Tempore of the Senate, one member shall be designated to serve a term of three years, one
21 member shall be designated to serve a term of two years, and one member shall be designated
22 to serve a term of one year. Of the initial appointments by the Speaker of the House of
23 Representatives, one member shall be designated to serve a term of three years, one member
24 shall be designated to serve a term of two years, and one member shall be designated to serve a
25 term of one year. The members appointed by the Commissioner of Agriculture and the Chair of
26 the Wildlife Resources Commission shall each serve an initial term of four years. After the
27 initial appointees' terms have expired, all members shall be appointed for a term of four years.
28 No member shall serve more than two successive terms.

29 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
30 death, or disability of a member shall be for the balance of the unexpired term.

31 (d) The initial chair of the Council shall be designated by the Executive Director of the
32 Wildlife Resources Commission from the Council members. The initial chair shall hold this
33 office for not more than one year. Subsequent chairs shall be elected by the Council for terms
34 of two years.

35 (e) The Council shall meet quarterly and at other times at the call of the chair. A
36 majority of members of the Council shall constitute a quorum.

37 (f) Council members shall be reimbursed for expenses incurred in the performance of
38 their duties in accordance with G.S. 138-5 and G.S. 138-6, as applicable.

39 (g) The Executive Director of the Wildlife Resources Commission shall provide clerical
40 and other assistance as needed."

41 **SECTION 2.(b)** This section becomes effective July 1, 2015.

42 43 **PART III. EXPANDED ACCESS TO PUBLIC LANDS**

44 **SECTION 3.(a)** The Legislative Research Commission shall study the need for
45 expanded access to public lands. The Commission shall examine the ways in which public land
46 management plans affect opportunities to engage in outdoor recreational activities, including,
47 but not limited to, hiking, horseback riding, boating, sport shooting and archery, bird watching
48 and wildlife watching, camping, swimming, hunting, trapping, and fishing, and make
49 recommendations for increasing the public's opportunities to access public lands for those
50 purposes.

1 **SECTION 3.(b)** The Legislative Research Commission may make an interim
2 report to the 2015 General Assembly when it reconvenes in 2016 and shall make its final report
3 to the 2017 General Assembly when it convenes.
4

5 **PART IV. "THREE STRIKES" RULE FOR HUNTING ON POSTED PROPERTY AND**
6 **REVIEW SUSPENSION OF HUNTING PRIVILEGES FOR NEGLIGENT HUNTERS**

7 **SECTION 4.(a)** G.S. 113-276.3(d) is amended by adding a new subdivision to
8 read:

9 **"§ 113-276.3. Mandatory suspension of entitlement to license or permit for fixed period**
10 **upon conviction of specified offenses.**

11 ...

12 (d) Any violation of this Subchapter or of any rule adopted by the Wildlife Resources
13 Commission under the authority of this Subchapter which is subject to a penalty greater than
14 the one provided in G.S. 113-135(a)(1) is a suspension offense. Conviction of any of the
15 following suspension offenses results in a suspension for a period of two years:

- 16 (1) A violation of G.S. 113-294(b).
- 17 (2) A violation of G.S. 113-294(c).
- 18 (2a) A violation of G.S. 113-294(c1).
- 19 (3) A violation of G.S. 113-294(e).
- 20 (4) Repealed by Session Laws 1999-120, s. 2, effective October 1, 1999.
- 21 (5) A violation of G.S. 113-291.1A.
- 22 (6) A third or subsequent violation of G.S. 14-159.6(a).

23 A conviction of any other suspension offense results in a suspension for a period of one year."

24 **SECTION 4.(b)** The Wildlife Resources Commission shall review the provisions
25 of Article 21B of Chapter 113 of the General Statutes that provide for the suspension of hunting
26 privileges upon conviction of criminally negligent hunting and determine whether those
27 provisions should be amended or expanded to provide increased protection to the public from
28 negligent or reckless hunting. In developing its findings, the Wildlife Resources Commission
29 shall consult with organized hunting clubs and propose recommendations to address individuals
30 who repeatedly violate club rules and regulations. The Wildlife Resources Commission shall
31 also consult with public interest groups in developing its findings. The Wildlife Resources
32 Commission shall report its findings and recommendations to the 2015 General Assembly
33 when it reconvenes in 2016.
34

35 **PART V. ALLOW SEVEN-DAY HUNTING ON PRIVATE LAND WITH PERMISSION**
36 **OF THE OWNER**

37 **SECTION 5.(a)** G.S. 103-2 reads as rewritten:

38 **"§ 103-2. Hunting on Sunday.**

39 (a) ~~If any person shall, except in defense of his own property, hunt on Sunday, having~~
40 ~~with him a shotgun, rifle, or pistol, he~~Any landowner or member of his or her family, or any
41 person with written permission from the landowner, may hunt with the use of firearms on
42 Sunday on the landowner's property except that:

- 43 (1) Hunting of migratory waterfowl on Sunday is prohibited.
- 44 (2) Chasing deer with dogs, or permitting a dog or dogs to run or chase deer, on
45 Sunday is prohibited.
- 46 (3) Hunting within 300 yards of a place of worship or any accessory structure
47 thereof is prohibited.

48 (b) A person who hunts on Sunday in a manner prohibited under subsection (a) of this
49 section shall be guilty of a Class 3 misdemeanor. Provided, that the provisions hereof shall not
50 be of this section are not applicable to military reservations, the jurisdiction of which is
51 exclusively in the federal government, or to field trials authorized by the Wildlife Resources

1 ~~Commission.~~Commission, or to actions taken in defense of a person's property. Wildlife
2 protectors are granted authority to enforce the provisions of this section."

3 **SECTION 5.(b)** Effective July 1, 2018, G.S. 103-2(a)(3), as enacted in Section
4 5(a) of this act, reads as rewritten:

5 (3) ~~Hunting within 300 yards of a place of worship or any accessory structure~~
6 ~~thereof is prohibited.~~Hunting on Sunday and the manner of taking game on
7 Sunday may be prohibited at certain times and in certain locations by rule of
8 the Wildlife Resources Commission."

9 **SECTION 5.(c)** The Wildlife Resources Commission shall adopt rules for the
10 implementation of this section pursuant to Section 5(b) of this act, provided that any such rules
11 shall not become effective before July 1, 2018.

12 **SECTION 5.(d)** Section 5(b) becomes effective July 1, 2018. The remainder of
13 this section becomes effective October 1, 2015.

14 **PART VI. MINIMUM WEIGHT OF ADULT BEARS**

15 **SECTION 6.** Any rule adopted by the Wildlife Resources Commission that
16 regulates the taking of female bears with cubs or that regulates the taking or possession of cub
17 bears shall define cub bears as bears weighing less than 75 pounds.

18 **PART VII. EXTEND BREEDING SEASON FOR FOXES AT BLADEN LAKES STATE 19 FOREST GAME LANDS**

20 **SECTION 7.(a)** G.S. 113-291.4 is amended by adding two new subsections to
21 read:

22 **"§ 113-291.4. Regulation of foxes; study of fox and fur-bearer populations.**

23 ...

24 (j) Notwithstanding any other provision of law, the Wildlife Resources Commission
25 may restrict or prohibit the use of dogs in hunting foxes during the breeding and raising seasons
26 for game during the period April 1 through August 1.

27 (k) The Wildlife Resources Commission shall prohibit the use of dogs in hunting foxes
28 during the period April 1 through August 1 in Bladen Lakes State Forest Game Land."

29 **SECTION 7.(b)** This section becomes effective June 1, 2015.

30 **PART VIII. EXEMPTION FROM CIVIL LIABILITY FOR LANDOWNERS GIVING 31 PERMISSION TO RETRIEVE HUNTING DOGS**

32 **SECTION 8.** Article 22 of Chapter 113 of the General Statutes is amended by
33 adding a new section to read:

34 **"§ 113-291.5A. Exemption from civil liability for landholder permitting retrieval of**
35 **hunting dogs.**

36 (a) It is the intent of the General Assembly to encourage cooperative and neighborly
37 agreements between landowners and hunters to allow legal retrieval of hunting dogs.

38 (b) Any person, as an owner, lessee, occupant, or otherwise in control of land, who
39 gives permission to a hunter to enter upon the land for the purpose of retrieving hunting dogs
40 that have strayed onto the land owes that hunter the same duty of care the person owes a
41 trespasser."

42 **PART IX. USE OF BODY CAMERAS BY WILDLIFE ENFORCEMENT OFFICERS**

43 **SECTION 9.** Article 13 of Chapter 113 of the General Statutes is amended by
44 adding a new section to read:

45 **"§ 113-136.1. Body-worn cameras required.**

46 During the execution of a warrant that is based upon information gathered during any
47 undercover operation conducted by the Wildlife Resources Commission, each wildlife
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1 protector shall wear and activate a body-worn camera. Before the execution of the warrant,
2 each wildlife protector shall inspect and test the body-worn camera affixed to his or her
3 uniform and notify his or her supervisor of any problems with the body-worn camera. A
4 wildlife protector shall not deactivate a body-worn camera until the conclusion of the execution
5 of the warrant. A wildlife protector shall note in any incident report prepared after an
6 undercover operation that a recording was made of the execution of the warrant. Failure to
7 produce a photograph or video recorded by a body-worn camera during the execution of the
8 warrant shall not preclude prosecution under this section.

9 For purposes of this section, the term "body-worn camera" means an operational video
10 camera provided by the Wildlife Resources Commission and affixed to the uniform of a
11 wildlife protector and positioned in a way that allows the video camera to capture interactions
12 the protector has with members of the public. The video camera shall include a microphone or
13 other mechanism to allow audio capture. The term "body-worn camera" does not include a
14 camera privately owned and provided by a protector."

15 16 **PART X. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

17 **SECTION 10.(a)** If any provision of this act or its application is held invalid, the
18 invalidity does not affect other provisions or applications of this act that can be given effect
19 without the invalid provisions or application, and to this end the provisions of this act are
20 severable.

21 **SECTION 10.(b)** Except as otherwise provided, this act becomes effective October
22 1, 2015.