

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 640
Committee Substitute Favorable 4/28/15
Third Edition Engrossed 4/28/15
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
5/27/15
Fifth Edition Engrossed 5/28/15
Proposed Conference Committee Substitute H640-PCCS20370-TQ-2

Short Title: Outdoor Heritage Act.

(Public)

Sponsors:

Referred to:

April 14, 2015

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 in
17 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 also
22 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 and the Outdoor Heritage Advisory Council
26 shall provide a final report on the development of the plan for establishing and implementing
27 the Trust Fund to the 2015 General Assembly when it reconvenes in 2016.
28



* H 6 4 0 - P C C S 2 0 3 7 0 - C S T Q - 2 *

PART II. ESTABLISHMENT OF OUTDOOR HERITAGE ADVISORY COUNCIL

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

"Part 36. Outdoor Heritage Advisory Council.

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

(a) The Outdoor Heritage Advisory Council is established within the North Carolina Wildlife Resources Commission for organizational and budgetary purposes only. The Council shall exercise all of its statutory powers independent of control by the Executive Director of the Wildlife Resources Commission. The Council shall advise State agencies and the General Assembly on the promotion of outdoor recreational activities, including, but not limited to, hiking, horseback riding, boating, sport shooting and archery, bird watching and wildlife watching, camping, swimming, hunting, trapping, and fishing in order to preserve North Carolina's outdoor heritage for future generations.

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

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

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

(3) Three members appointed by the Governor.

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

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

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

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

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

(d) The initial chair of the Council shall be designated by the Governor from the Council members. The initial chair shall hold this office for not more than one year. Subsequent chairs shall be elected by the Council for terms of two years.

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

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

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

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

PART III. EXPANDED ACCESS TO PUBLIC LANDS

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

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

11
12 **PART IV. "THREE STRIKES" RULE FOR HUNTING ON POSTED PROPERTY AND**
13 **REVIEW SUSPENSION OF HUNTING PRIVILEGES FOR NEGLIGENT HUNTERS**

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

16 **"§ 113-276.3. Mandatory suspension of entitlement to license or permit for fixed period**
17 **upon conviction of specified offenses.**

18 ...

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

23 (1) A violation of G.S. 113-294(b).

24 (2) A violation of G.S. 113-294(c).

25 (2a) A violation of G.S. 113-294(c1).

26 (3) A violation of G.S. 113-294(e).

27 (4) Repealed by Session Laws 1999-120, s. 2, effective October 1, 1999.

28 (5) A violation of G.S. 113-291.1A.

29 (6) A third or subsequent violation of G.S. 14-159.6(a).

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

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

41
42 **PART V. ALLOW SEVEN-DAY HUNTING ON PRIVATE LAND WITH PERMISSION**
43 **OF THE OWNER**

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

45 **"§ 103-2. ~~Hunting~~ Method of take when hunting on Sunday.**

46 (a) ~~If any person shall, except in defense of his own property, hunt on Sunday, having~~
47 ~~with him a shotgun, rifle, or pistol, he~~ Any landowner or member of the landowner's family, or
48 any person with written permission from the landowner, may hunt with the use of firearms on
49 Sunday on the landowner's property, except that all of the following limitations apply:

50 (1) Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except
51 on controlled hunting preserves licensed pursuant to G.S. 113-273(g).

- 1 (2) Hunting of migratory birds on Sunday is prohibited.
2 (3) The use of a firearm to take deer that are run or chased by dogs on Sunday is
3 prohibited.
4 (4) Hunting on Sunday within 500 yards of a place of worship or any accessory
5 structure thereof, or within 500 yards of a residence not owned by the
6 landowner, is prohibited.
7 (5) Hunting on Sunday in a county having a population greater than 700,000
8 people is prohibited.

9 (b) A person who hunts on Sunday in a manner prohibited under subsection (a) of this
10 section shall be guilty of a Class 3 misdemeanor. Provided, that the provisions hereof shall not
11 be of this section are not applicable to military reservations, the jurisdiction of which is
12 exclusively in the federal government, or to field trials authorized by the Wildlife Resources
13 Commission. Commission, or to actions taken in defense of a person's property. Wildlife
14 protectors are granted authority to enforce the provisions of this section."

15 **SECTION 5.(b)** G.S. 153A-129 reads as rewritten:

16 "**§ 153A-129. Firearms.**

17 (a) A-Except as provided in this section, a county may by ordinance regulate, restrict, or
18 prohibit the discharge of firearms at any time or place except in any of the following instances:

- 19 (1) ~~when~~-When used to take birds or animals pursuant to Chapter 113,
20 Subchapter ~~IV~~, IV.
21 (2) ~~when~~-When used in defense of person or ~~property~~, property.
22 (3) ~~or when~~-When used pursuant to lawful directions of law-enforcement
23 officers.

24 (b) A county may by ordinance prohibit hunting on Sunday as allowed under
25 G.S. 103-2, provided the ordinance complies with all of the following:

- 26 (1) The ordinance shall be applicable from January 1 until December 31 of any
27 year of effectiveness.
28 (2) The ordinance shall allow for individuals hunting in an adjacent county with
29 no restriction on Sunday hunting to retrieve any animal lawfully shot from
30 the adjacent county.
31 (3) The ordinance shall be applicable to the entire county.

32 (c) A county may ~~also~~ regulate the display of firearms on the public roads, sidewalks,
33 alleys, or other public property.

34 (d) This section does not limit a county's authority to take action under Article 1A of
35 Chapter 166A of the General Statutes."

36 **SECTION 5.(c)** Subsection (b) of this section becomes effective October 1, 2017.

37 A county may adopt an ordinance to prohibit Sunday hunting prior to October 1, 2017, but any
38 such ordinance shall not become effective until October 1, 2017. The remainder of this section
39 becomes effective October 1, 2015.

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

41 **SECTION 6.** Any rule adopted by the Wildlife Resources Commission that
42 regulates the taking of female bears with cubs or that regulates the taking or possession of cub
43 bears shall define cub bears as bears weighing less than 75 pounds.
44

45 **PART VII. EXTEND BREEDING SEASON FOR FOXES AT BLADEN LAKES STATE** 46 **FOREST GAME LAND**

47 **SECTION 7.(a)** G.S. 113-291.4 is amended by adding a new subsection to read:

48 "**§ 113-291.4. Regulation of foxes; study of fox and fur-bearer populations.**

49 ...

1 (j) The Wildlife Resources Commission shall prohibit the use of dogs in hunting foxes
2 during the period from March 15 through July 15 in Bladen Lakes State Forest Game Land."

3 **SECTION 7.(b)** This section becomes effective June 1, 2015.
4

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

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

9 "**§ 113-291.5A. Exemption from civil liability for landholder permitting retrieval of**
10 **hunting dogs.**

11 (a) It is the intent of the General Assembly to recognize that hunting with dogs is a
12 valuable part of the outdoor heritage of the State of North Carolina, and it is further the intent
13 of the General Assembly to encourage cooperative and neighborly agreements between
14 landowners and hunters to allow legal retrieval of hunting dogs.

15 (b) Any person, as an owner, lessee, occupant, or otherwise in control of land, who
16 gives permission to a hunter to enter upon the land for the purpose of retrieving hunting dogs
17 that have strayed onto the land owes that hunter the same duty of care the person owes a
18 trespasser."
19

20 **PART IX. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

21 **SECTION 9.(a)** If any provision of this act or its application is held invalid, the
22 invalidity does not affect other provisions or applications of this act that can be given effect
23 without the invalid provision or application, and to this end the provisions of this act are
24 severable.

25 **SECTION 9.(b)** Except as otherwise provided, this act becomes effective October
26 1, 2015.