

1999-2000

**HOUSE
WILDLIFE RESOURCES
COMMITTEE**

MINUTES

WILDLIFE RESOURCES COMMITTEE

2000

| <u>REPRESENTATIVE</u> | <u>ASSISTANT</u> | <u>TELEPHONE</u> | <u>OFFICE</u> | <u>SEAT</u> |
|---------------------------------------|-----------------------|------------------|---------------|-------------|
| Jim Gulley..... Chairman | Lucille Carter..... | 733-5860..... | 1307..... | 98 |
| Monroe Buchanan..... Vice-Chairman | Glenda Jones..... | 733-5825..... | 536..... | 41 |
| Jimmie Ford..... | Carolyn Edwards..... | 715-2693..... | 509..... | 96 |
| Wayne Goodwin..... | Kristen Younts..... | 733-4838..... | 502..... | 81 |
| Max Melton..... | Linda A. Johnson..... | 733-5784..... | 633..... | 105 |
| Wayne Sexton..... | Debbie Turner..... | 733-5974..... | 506..... | 87 |
| Ronnie Smith..... | Ann Jordan..... | 733-5773..... | 2223..... | 2 |
| Gregg Thompson..... | Edna Sykes..... | 733-5828..... | 1002..... | 90 |
| Roger West..... | Linda C. Johnson..... | 733-5859..... | 1004..... | 109 |

EX-OFFICIO MEMBERS:

| | | | | |
|--|------------------------|---------------|-----------|----|
| Phil Baddour..... Majority Leader | Elizabeth Kirkland.... | 715-0850..... | 2301..... | 31 |
| Pete Cunningham..... Assistant to the Speaker | Valerie Rustin..... | 733-5778..... | 541..... | 7 |
| Andy Dedmon..... Majority Whip | Donna Abu Harb..... | 733-5732..... | 2213..... | 12 |
| Beverly Earle..... Majority Whip | Ann Raeford..... | 733-5747..... | 535..... | 5 |
| Joe Hackney..... Speaker Pro Tem | Emily Reynolds..... | 733-5752..... | 2207..... | 69 |

STAFF:

Barbara Riley
Staff Attorney/Research Division

WILDLIFE RESOURCES COMMITTEE

1999

| <u>REPRESENTATIVE</u> | <u>ASSISTANT</u> | <u>TELEPHONE</u> | <u>OFFICE</u> | <u>SEAT</u> |
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| Monroe Buchanan..... Vice-Chairman | Glenda Jones..... | 733-5825..... | 536..... | 41 |
| Jerry Braswell..... | Blinda Edwards..... | 715-3001..... | 420..... | 96 |
| Jim Carpenter..... | Ann Jordan..... | 733-5859..... | 1004..... | 109 |
| Wayne Goodwin..... | Kristen Younts..... | 733-4838..... | 502..... | 81 |
| Max Melton..... | Gerry Durant..... | 733-5784..... | 633..... | 105 |
| Wayne Sexton..... | Debbie Turner..... | 733-5974..... | 506..... | 87 |
| Ronnie Smith..... | Jane Bass..... | 733-5773..... | 2223..... | 2 |
| Gregg Thompson..... | Edna Sykes..... | 733-5828..... | 1002..... | 90 |

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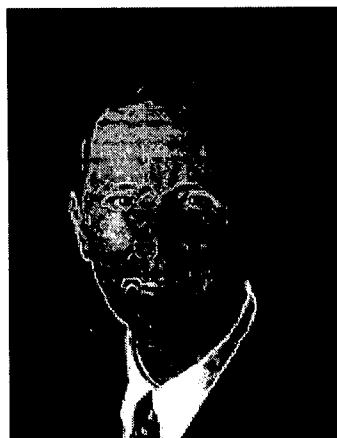
STAFF:

Barbara Riley
Staff Attorney/Research Division

WILDLIFE RESOURCES COMMITTEE



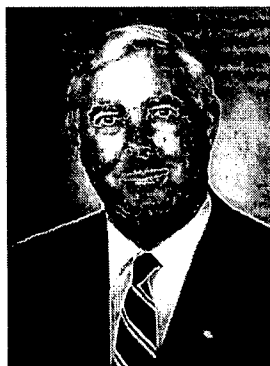
Rep. Buchanan – VICE CHAIRMAN



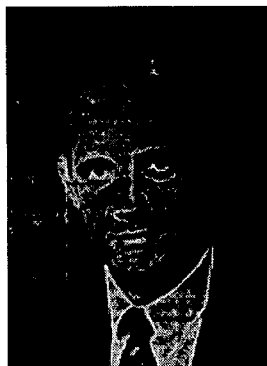
Rep. Gulley - CHAIRMAN



Rep. Thompson



Rep. Smith



Rep. Carpenter



Rep. Braswell



Rep. Sexton



Rep. Melton



Rep. Goodwin

* * *

WILDLIFE RESOURCES COMMITTEE

1999 – 2000 SESSION

[illegible]

WILDLIFE RESOURCES COMMITTEE

2000

[illegible]

H.B. 236

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE BAITING OF ANIMALS AND TO MAKE
CORRECTIONS IN THE LAW REGARDING THE MANDATORY SUSPENSION OF HUNTING
LICENSES AND PERMITS.

| | | | |
|--|---------------|-------|-------|
| <i>Introduced by Representative(s)</i> | <u>Gulley</u> | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

Principal Clerk's Use Only

PASSED 1st READING
MAR 4 1999
AND REFERRED TO COMMITTEE
Wildlife Resources

| | |
|--|--|
| | |
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 236

Short Title: License Suspension/Baiting/AB.

(Public)

Sponsors: Representative Gulley.

Referred to: Wildlife Resources.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE BAITING OF ANIMALS
3 AND TO MAKE CORRECTIONS IN THE LAW REGARDING THE
4 MANDATORY SUSPENSION OF HUNTING LICENSES AND PERMITS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 113-291.1(b) reads as rewritten:
7 "(b) No wild animals or wild birds may be taken:
8 (1) From or with the use of any vehicle; vessel, other than one
9 manually propelled; airplane; or other conveyance except that the
10 use of vehicles and vessels is authorized:
11 a. As hunting stands, subject to the following limitations. No
12 wild animal or wild bird may be taken from any vessel
13 under sail, under power, or with the engine running or
14 while still in motion from such propulsion. No wild animal
15 or wild bird may be taken from any vehicle if it is in
16 motion, the engine is running, or the passenger area of the
17 vehicle is occupied. The prohibition of occupying the
18 passenger area of a vehicle does not apply to a disabled
19 individual whose mobility is restricted.
20 b. For transportation incidental to the taking.
21 (2) With the use or aid of any artificial light, net, trap, snare,
22 electronic or recorded animal or bird call, or fire, except as may be
23 otherwise provided by statute[;] provided, however, that crows may
24 be taken with the aid of electronic calling devices. No wild birds

1 may be taken with the use or aid of salt, grain, fruit, or other bait,
2 ~~except as may be otherwise provided by statute.~~ and no wild birds
3 may be taken from an area in which bait has been placed until the
4 expiration of 10 days after the bait has been consumed or
5 otherwise removed. No bear or wild boar may be taken with the
6 use or aid of any salt, salt lick, grain, fruit, honey, sugar-based
7 material, animal parts or products, or other ~~bait.~~ bait, and no bear
8 or wild turkey may be taken from an area in which bait has been
9 placed until the expiration of 10 days after the bait has been
10 consumed or otherwise removed. The taking of wild animals and
11 wild birds with poisons, drugs, explosives, and electricity is
12 governed by G.S. 113-261, G.S. 113-262, and Article 22A of this
13 Subchapter. Any person who unlawfully takes bear or wild boar
14 with the use or aid of any type of bait is punishable as provided by
15 ~~G.S. 113-294(e).~~ G.S. 113-294(c1)."

16 Section 2. G.S. 113-276.3(d) reads as rewritten:

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

- 22 (1) A violation of G.S. 113-294(b).
23 (2) A violation of G.S. 113-294(c).
24 (2a) A violation of G.S. 113-294(c1).
25 (3) A violation of G.S. 113-294(e).
26 ~~(4) A violation of G.S. 113-294(k).~~

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

29 Section 3. This act becomes effective October 1, 1999.

March 4, 1999

H 236. LICENSE SUSPENSION/BAITING. *TO AMEND THE LAW REGARDING THE BAITING OF ANIMALS AND TO MAKE CORRECTIONS IN THE LAW REGARDING THE MANDATORY SUSPENSION OF HUNTING LICENSES AND PERMITS.* Amends GS 113-291.1(b) (which prohibits taking of wild birds, bear, or boar with bait) to provide that no wild birds, bear, or turkey may be taken from an area that has been baited until the expiration of 10 days after the bait has been consumed or otherwise removed. Makes technical corrections. Effective Oct. 1, 1999.

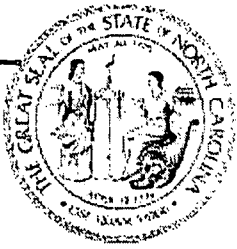
Intro. by Gulley.

Ref. to Wildlife Resources

GS 113

June 2, 1999

SL 1999-120 (H 236). LICENSE SUSPENSION/BAITING. *AN ACT TO AMEND THE LAW REGARDING THE BAITING OF ANIMALS AND TO MAKE CORRECTIONS IN THE LAW REGARDING THE MANDATORY SUSPENSION OF HUNTING LICENSES AND PERMITS.* Summarized in *Daily Bulletin* 3/4/99 and 4/15/99. Enacted May 28, 1999. Effective Oct. 1, 1999.



HOUSE BILL 236: License Suspension/Baiting

BILL ANALYSIS

Committee: Wildlife Resources
Date: April 20, 1999
Version: Prop. Com Substitute

Introduced by: Rep. Gulley
Summary by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 236 amends the provisions in the Wildlife laws relating to the manner of taking of wild birds and wild animals and makes corrections to the statutes dealing with suspension offenses.*

CURRENT LAW: Under the provisions of G.S. 113-291.1 the taking of wild birds and bear and wild boar with bait is prohibited. Further, except for crows, no wild bird or wild animal may be taken with the use of an electronic calling device.

BILL ANALYSIS: The proposed committee substitute for House Bill 236 would allow the taking of coyote using electronic calling devices. The bill also provides that wild turkey may not be taken from an area that has been baited until 10 days after the bait has been either consumed or removed.

The bill also makes corrections to the statutes dealing with suspension offenses. G.S. 113-291.1(b)(2) provides in pertinent part that the unlawful taking of bear or wild boar with bait is punishable as provided in G.S. 113-294(c) which references wild turkey. The bill changes the citation to refer to the section on wild boar, G.S. 113-294(c1). Section 2 of the bill adds G.S. 113-294(c1) to the list of offenses that result in a 2 year suspension of a license.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Jim Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

H.B. 236 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE BAITING OF ANIMALS AND TO MAKE CORRECTIONS IN THE LAW REGARDING THE MANDATORY SUSPENSION OF HUNTING LICENSES AND PERMITS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (~~#~~), ☐ which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (~~and recommendation that the committee substitute bill #~~) be re-referred to the Committee on ~~_____~~.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

PUBLIC BILL
ROLL CALL

H.B. 0237

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.

| | | | |
|---------------------------------|--------|--|--|
| Introduced by Representative(s) | Gulley | | |
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Principal Clerk's Use Only

FILED 1st READING
MAR 4 1999
AND REFERRED TO COMMITTEE
ON *Wildlife Resources*
favorable Finance

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 237

Short Title: Boat Agent Fees/AB.

(Public)

Sponsors: Representative Gulley.

Referred to: Wildlife Resources, if favorable, Finance.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE
3 RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT
4 NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE
5 DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD
6 TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT
7 NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING
8 ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS,
9 AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE
10 RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.
11 The General Assembly of North Carolina enacts:
12 Section 1. G.S. 75A-5(e) reads as rewritten:
13 "(e) The Wildlife Resources Commission may ~~award~~ issue any ~~certificate of~~
14 ~~number vessel transaction~~ pursuant to the provisions of Article 1 or 4 of this Chapter
15 directly or may authorize any person qualified as prescribed in subsection (l) of this
16 section to act as agent for the ~~awarding thereof.~~ issuance of vessel transactions subject
17 to the requirements set forth in this Chapter. ~~In the event that a person accepts such~~
18 ~~authorization, he may be assigned a block of numbers and certificates therefor which~~
19 ~~upon award.~~ Upon acceptance of this authorization, an agent's actions in issuing any
20 vessel transaction pursuant to this Chapter in conformity with this Chapter and with
21 any rules and regulations of the Commission, shall be valid as if ~~awarded~~ issued
22 directly by the Commission. As compensation for ~~his services any such agent shall be~~
23 ~~allowed to retain for his own use fifty cents (50¢).~~ services rendered to the

1 Commission and to the general public, the agent shall receive the following specified
2 commission from the statutory fee for each listed transaction:

3 (1) Renewal of vessel registration - \$1.25.

4 (2) Transfer of ownership and registration of a vessel - \$3.00.

5 (3) Issuance of new certificate of vessel number and registration -
6 \$3.00.

7 (4) Issuance of duplicate vessel registration - \$0.50.

8 (5) Issuance, transfer, duplication, or lien recordation of vessel title -
9 \$3.00.

10 It is a Class 1 misdemeanor for any such agent to charge or accept any additional fee,
11 remuneration, or other thing of value for such services."

12 Section 2. G.S. 75A-5(l) reads as rewritten:

13 "(l) When certificates of number are to be issued by agents as provided by
14 subsection (e) of this section, the Wildlife Resources Commission ~~is authorized by~~
15 ~~regulation to establish the qualifications of such agents, including, but not limited to,~~
16 ~~their financial responsibility, the locations and types of business operated by them~~
17 ~~and their facilities for safekeeping of unused certificates of number, validation decals,~~
18 ~~and the monetary proceeds of certificates which have been issued; to prescribe the~~
19 ~~duties of such agents, including, but not limited to, the methods of issuing certificates~~
20 ~~of number and validation decals, the evidence of ownership of vessels to be~~
21 ~~numbered by applicants for number, the times and methods of making periodic and~~
22 ~~final reports of certificates and decals issued and remaining unissued and remittances~~
23 ~~of public moneys and unissued certificates and decals; to establish methods and~~
24 ~~procedures of ensuring accountability of such agents for the proceeds of certificates~~
25 ~~and decals issued and for certificates and decals remaining unissued; to require~~
26 ~~individual or blanket bonds of such agents in amounts sufficient to protect the State~~
27 ~~against loss of public moneys and unissued certificates and decals, the premiums for~~
28 ~~such bonds to be paid by the agents; to permit such agents to issue both original~~
29 ~~certificates of number and validation decals and renewals thereof or to limit such~~
30 ~~agents, or any of them, to the issuance of the originals only; to authorize some or all~~
31 ~~of such agents to issue temporary certificates of number for use during a limited time~~
32 ~~pending delivery of regular certificates of number and validation decals; to establish~~
33 ~~methods and procedures, including submission of the amounts and kinds of evidence~~
34 ~~which the Commission may deem sufficient, whereby any such agent may be relieved~~
35 ~~of accountability for the value of unissued certificates and validation decals, or of the~~
36 ~~monetary proceeds of those which have been issued, which have been lost or~~
37 ~~destroyed as the result of any occurrence which is beyond the control of such agent;~~
38 ~~and to prescribe such other reasonable requirements and conditions as the~~
39 ~~Commission may, in its discretion, deem necessary or desirable to expedite and~~
40 ~~control the issuance of certificates of number by such agents. may establish~~
41 administrative guidelines that prescribe:

42 (1) The qualifications of agents;

43 (2) The duties of agents;

- (3) Methods and procedures to ensure accountability and security for proceeds and unissued certificates of number;
- (4) Requirements for security bonds in amounts sufficient to protect the State against loss of public funds or documents;
- (5) Methods and procedures, including submission of the kinds and amounts of evidence deemed sufficient to relieve an agent of responsibility for losses due to occurrences beyond the agent's control; and
- (6) Any other reasonable requirement or condition deemed necessary and desirable to expedite and control the issuance of certificates of boat number by agents.

In accordance with ~~such regulations~~, administrative guidelines developed pursuant to this section, the executive director ~~is authorized to prepare and distribute all forms necessary or convenient for application for and the appointment and bonding of such agents and for receipts, reports and remittances by such agents; to select and appoint such agents in areas most convenient to the boating public and to limit the number of such agents in any locality; to require prompt and accurate reporting and remission of public moneys and unissued certificates and decals by such agents, and to require periodic or special audits of their accounts; to revoke or terminate any such agency for failure to make timely reports and remittances or to comply with any administrative directive or regulation of the Commission, or when he has reason to believe that State money or property is in jeopardy; and to require immediate surrender of all agency accounts, forms, certificates, decals and State moneys in the event of such revocation or termination of any such agency.~~ may:

- (1) Select and appoint agents in the areas most convenient to the boating public and limit the number of agents in any one area if necessary for efficiency of operation;
- (2) Require prompt and accurate reporting and remittance of public funds or documents by agents;
- (3) Conduct periodic and special audits of accounts;
- (4) Terminate the authorization of any agent found to be in noncompliance with administrative guidelines or directives of the Commission or when State funds or property are reasonably believed to be in jeopardy; and
- (5) Demand the immediate surrender of all accounts, forms, certificates, decals, records, and State funds and property in the event of the termination of an agency.

A person who is denied the authority to act as an agent for the issuance of certificates of number and validation decals or whose authority to do so is revoked may not commence a contested case under G.S. 150B-23. ~~Any violation of the regulations authorized by this subsection shall be a Class 1 misdemeanor.~~ If any check or draft of any agent for the issuance of certificates of boat number shall be returned by the banking facility upon which the same is drawn for lack of funds, such agent shall be liable to the Wildlife Resources Commission for a penalty of five

1 percent (5%) of the amount of such check or draft, but in no event shall such penalty
2 be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00). Agents
3 shall be assessed a penalty of twenty-five percent (25%) of their issuing fee on all
4 remittances to the Commission after the fifteenth day of the month immediately
5 following the month of sale."

6 Section 3. G.S. 75A-11(b) reads as rewritten:

7 "(b) In the case of collision, accident, or other casualty involving a vessel, the
8 operator thereof, if the collision, accident, or other casualty results in death or injury
9 to a person or damage to property in excess of ~~one~~ five hundred dollars (~~\$100.00~~;
10 ~~\$500.00~~), shall, within 10 days, file with the Wildlife Resources Commission a full
11 description of the collision, accident, or other casualty, including such information as
12 said agency may, by regulation, require. Such report shall not be admissible as
13 evidence."

14 Section 4. G.S. 75A-14 is repealed.

15 Section 5. This act becomes effective July 1, 1999.

March 4, 1999

H 237. BOAT AGENT FEES. *TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.* Amends GS 75A-5 to provide that (1) Wildlife Resources Comm'n agents who issue vessel transactions may receive following commissions: \$1.25 for renewal of vessel registration; \$3 for transfer of ownership and registration of vessel; \$3 for issuance of new certificate of vessel number and registration; \$.50 for issuance of duplicate vessel registration; and \$3 for issuance, transfer, duplication, or lien recordation of vessel title (now, provides for fee of \$.50 for awarding certificate of number); (2) Wildlife Resources Comm'n may establish administrative guidelines prescribing, among other matters, qualifications and duties of agents, procedures to assure accountability and security for proceeds and unissued certificates of number; and requirements for security bonds and specifies duties of executive director in carrying out guidelines; and (3) agents are assessed a penalty of 25% of their commission for late remittances to the Comm'n. Amends GS 75A-11 to increase from \$100 to \$500 the threshold amount of property damage from vessel accident before accident must be reported to Comm'n. Repeals GS 75A-14 authorizing Comm'n to allow regattas and motor boat races. Effective July 1, 1999.

Intro. by Gulley.

Ref. to Wildlife Resources

GS 75A



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March 10, 1999

TO: House Committee on Wildlife Resources

FROM: Barbara Riley, Committee Counsel

RE: House Bill 237: Boat Agent Fees.

House Bill 237, introduced by Representative Gulley, amends Chapter 75A of the General Statutes to increase the amount that authorized agents of the Wildlife Resources Commission may receive for handling various vessel transactions, and makes other changes to the State boating laws to conform to changes in the US Coast Guard's regulations.

The Wildlife Resources Commission is charged with administering the Boating Safety Act, Chapter 75A of the General Statutes. As a part of those duties, the WRC issues boat numbers (required by law for all vessels), issues and renews vessel registrations, and handles transfers of ownership. G.S. 75A-5 provides that the WRC may authorize persons to act on behalf of the Commission in handling these transactions and issuing various documents and decals. As compensation for services, agents retain 50 cents per transaction.

House Bill 237 increases the amount of compensation that authorized agents of the WRC may receive according to the following schedule.

| | | |
|----|--|--------|
| 1. | Renewal of vessel registration | \$1.25 |
| 2. | Transfer of ownership & registration | \$3.00 |
| 3. | Issuance of new certificate of number and registration | \$3.00 |
| 4. | Issuance of duplicate registration | \$0.50 |
| 5. | Issuance, transfer, duplication, or lien recordation of vessel title | \$3.00 |

Section 2 of the bill amends G.S. 75A-5(l) rewriting the WRC's authority to establish administrative guidelines regarding agent qualifications, duties, methods to insure accountability, and security. The amendments also provide for a penalty assessment of 25% of the issuing fee on all remittances made to the Commission after the 15th of the month following the month of the transaction.

Section 3 of the bill increases the threshold for reporting a boating accident from \$100 to \$500 consistent with the changes in Coast Guard regulations

Section 4 of the bill repeals the permit requirements for regattas, boat races, exhibitions and marine parades on waters of the State. This change is also made to align the State laws with Coast Guard regulations.

The act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Jim Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

H.B. 237 A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.

- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☒ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

0818

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND WILDLIFE PURPOSES
UNDER CERTAIN CONDITIONS.

Introduced by Representative(s)

McComas

and

Owens

(Pres. by Sec. 100)

Principal Clerk's Use Only

PASSED 1st READING

MAR 4 1999

AND REFERRED TO COMMITTEE

ON *Wildlife* *Prescribed* *burning* *for* *forestry* *and* *wildlife* *purposes* *under* *certain* *conditions* *favorable**Judiciary*

Jace

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 316

Short Title: Prescribed Burning in Forests/AB.

(Public)

Sponsors: Representatives McComas, Owens (Primary Sponsors); and Culp.

Referred to: Wildlife Resources, if favorable, Judiciary I.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND
3 WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 113 of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 4E.

8 "North Carolina Prescribed Burning Act.

9 "§ 113-60.40. Legislative findings.

10 The General Assembly finds that prescribed burning of forestlands is a
11 management tool that is beneficial to North Carolina's public safety, forest and
12 wildlife resources, environment, and economy. The General Assembly finds that the
13 following are benefits that result from prescribed burning of forestlands:

- 14 (1) Prescribed burning reduces the naturally occurring buildup of
15 vegetative fuels on forestlands, thereby reducing the risk and
16 severity of wildfires and lessening the loss of life and property.
17 (2) The State's ever-increasing population is resulting in urban
18 development directly adjacent to fire prone forestlands, referred to
19 as a woodland-urban interface area. The use of prescribed burning
20 in these woodland-urban interface areas substantially reduces the
21 risk of wildfires that cause damage.
22 (3) Many of North Carolina's natural ecosystems require periodic fire
23 for their survival. Prescribed burning is essential to the
24 perpetuation, restoration, and management of many plant and

1 animal communities. Prescribed burning benefits game, nongame,
2 and endangered wildlife species by increasing the growth and yield
3 of plants that provide forage and an area for escape and brooding
4 and that satisfy other habitat needs.

5 (4) Forestlands are economic, biological, and aesthetic resources of
6 statewide significance. In addition to reducing the frequency and
7 severity of wildfires, prescribed burning of forestlands helps to
8 prepare sites for replanting and natural seeding, to control insects
9 and diseases, and to increase productivity.

10 (5) Prescribed burning enhances the resources on public use lands,
11 such as State and national forests, wildlife refuges, nature
12 preserves, and game lands. Prescribed burning enhances private
13 lands that are managed for wildlife refuges, nature preserves, and
14 game lands. Prescribed burning enhances private lands that are
15 managed for wildlife, recreation, and other purposes.

16 As North Carolina's population grows, pressures resulting from liability issues and
17 smoke complaints discourage or limit prescribed burning so that these numerous
18 benefits to forestlands often are not attainable. By recognizing the benefits of
19 prescribed burning and by adopting requirements governing prescribed burning, the
20 General Assembly helps to educate the public, avoid misunderstandings, and reduce
21 complaints about this valuable management tool.

22 **"§ 113-60.41. Definitions.**

23 As used in this Article:

24 (1) 'Certified prescribed burner' means an individual who has
25 successfully completed a certification program approved by the
26 Division of Forest Resources of the Department of Environment
27 and Natural Resources.

28 (2) 'Prescribed burning' means the planned and controlled application
29 of fire to naturally occurring vegetative fuels under safe weather
30 and safe environmental and other conditions, while following
31 appropriate precautionary measures that will confine the fire to a
32 predetermined area and accomplish the intended management
33 objectives.

34 (3) 'Prescription' means a written plan prepared by a certified
35 prescribed burner for starting, controlling, and extinguishing a
36 prescribed burning.

37 **"§ 113-60.42. Immunity from liability.**

38 (a) Any prescribed burning conducted in compliance with G.S. 113-60.43 is in the
39 public interest and does not constitute a public or private nuisance.

40 (b) A landowner or the landowner's agent who conducts a prescribed burning in
41 compliance with G.S. 113-60.43 shall not be liable in any civil action for any damage
42 or injury caused by or resulting from smoke.

43 (c) This section does not apply when a nuisance or damage results from a
44 negligently or improperly conducted prescribed burning.

1 "§ 113-60.43. Prescribed burning.

2 (a) Prior to conducting a prescribed burning, the landowner shall obtain a
3 prescription for the prescribed burning prepared by a certified prescribed burner and
4 filed with the Division of Forest Resources, Department of Environment and Natural
5 Resources. A copy of the prescription shall be provided to the landowner. A copy
6 of this prescription shall be in the possession of the responsible burner on site
7 throughout the duration of the prescribed burning. The prescription shall include:

- 8 (1) The landowner's name and address.
9 (2) A description of the area to be burned.
10 (3) A map of the area to be burned.
11 (4) An estimate in tons of the fuel located on the area.
12 (5) The objectives of the prescribed burning.
13 (6) A list of the acceptable weather conditions and parameters for the
14 prescribed burning sufficient to minimize the likelihood of smoke
15 damage and fire escaping onto adjacent areas.
16 (7) The name of the certified prescribed burner responsible for
17 conducting the prescribed burning.
18 (8) A summary of the methods that are adequate for the particular
19 circumstances involved to be used to start, control, and extinguish
20 the prescribed burning.
21 (9) Provision for reasonable notice of the prescribed burning to be
22 provided to nearby homes and businesses to avoid effects on health
23 and property.

24 (b) The prescribed burning shall be conducted by a certified prescribed burner in
25 accordance with a prescription that satisfies subsection (a) of this section. The
26 certified prescribed burner shall be present on the site and shall be in charge of the
27 burning throughout the period of the burning. A landowner may conduct a
28 prescribed burning without being a certified prescribed burner if the landowner is
29 burning a tract of forestland of 50 acres or less owned by that landowner and is
30 following all conditions established in a prescription prepared by a certified
31 prescribed burner.

32 (c) Prior to conducting a prescribed burning, the landowner or the landowner's
33 agent shall obtain an open-burning permit under Article 4C of this Chapter from the
34 Division of Forest Resources, Department of Environment and Natural Resources.
35 This open-burning permit must remain in effect throughout the period of the
36 prescribed burning. The prescribed burning shall be conducted in compliance with
37 all the following:

- 38 (1) The terms and conditions of the open-burning permit under
39 Article 4C of this Chapter.
40 (2) The State's air pollution control statutes under Article 21 and
41 Article 21B of Chapter 143 of the General Statutes and any rules
42 adopted pursuant to these statutes.
43 (3) Any applicable local ordinances relating to open burning.

(4) The voluntary smoke management guidelines adopted by the Division of Forest Resources, Department of Environment and Natural Resources.

(5) Any rules adopted by the Division of Forest Resources, Department of Environment and Natural Resources, to implement this Article.

"§ 113-60.44. Adoption of rules.

The Division of Forest Resources, Department of Environment and Natural Resources, may adopt rules that govern prescribed burning under this Article.

"§ 113-60.45. Exemption.

This Article does not apply when the Secretary of Environment and Natural Resources has cancelled burning permits pursuant to G.S. 113-60.27 or prohibited all open burning pursuant to G.S. 113-60.25."

Section 2. This act becomes effective January 1, 2000.

March 4, 1999

H 316. PRESCRIBED BURNING IN FORESTS (=S 247). TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS.

Identical to S 247, introduced 3/4/99.

Intro. by McComas and Owens.

Ref. to Wildlife Resources

GS 113

April 23, 1999

H 316. PRESCRIBED BURNING IN FORESTS. Intro. 3/4/99. House committee substitute makes the following changes to 1st edition. Makes grammatical changes only.

June 2, 1999

SL 1999-121 (H 316). PRESCRIBED BURNING IN FORESTS. AN ACT TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS. Summarized in *Daily Bulletin* 3/4/99 and 4/23/99. Enacted May 28, 1999. Effective Jan. 1, 2000.



HOUSE BILL 316: Prescribed Burning in Forests/AB

BILL ANALYSIS

Committee: Wildlife Resources
Date: March 24, 1999
Version: 1st Edition

Introduced by: McComas and Owens
Summary by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 316 would add a new Article 4E to Chapter 113 of the General Statutes setting forth the conditions for conducting a "prescribed burning" of forestland and limiting the liability of landowners and their agents for nuisance and smoke damage from a properly conducted burning.*

BACKGROUND: A "prescribed burning" is a planned and controlled application of fire to naturally occurring vegetative fuels under safe weather and environmental conditions, while following appropriate measures to confine the fire to a predetermined area and to accomplish the intended management objectives. The legislative findings contained in proposed G.S.113-60.40 establish that prescribed burning is a beneficial management tool that reduces the naturally occurring buildup of vegetative fuels thus reducing the risk and severity of wildfires and their damage. Prescribed burning is also found to benefit game, nongame and endangered species of wildlife by improving habitat, and to improve forestland by preparing sites for replanting and natural seeding, controlling insects and disease.

BILL ANALYSIS New G.S. 113-60.42 provides that a prescribed burning conducted pursuant to the provisions of G.S. 113-60.43 does not constitute a public or private nuisance. A landowner or his agent conducting a prescribed burning in accordance with the statute shall not be not liable in a civil action for damages or injury resulting from smoke. The limitation on liability does not apply, however, where the nuisance or damage results from the negligent or improper conduct of the prescribed burning.

G.S. 113-60.43 sets forth the guidelines for a prescribed burning. Subsection (a) requires that a prescription for a prescribed burning must be prepared by a certified prescribed burner and be filed with the Division of Forest Resources prior to the burn. A certified prescribed burner is an individual who has successfully completed a certification program approved by the Division of Forest Resources. G.S. 113-60.41(1). The prescription shall include:

1. The landowner's name and address.
2. A description of the area to be burned.
3. A map of the area.
4. An estimate of the fuel tonnage in the area.
5. The objectives of the prescribed burning.
6. A list of acceptable weather conditions for the burning.
7. The certified burner responsible for the burning.
8. A summary of the methods used to start, control, and extinguish the burn.
9. Provision for reasonable notice to homes and businesses in the area.

HOUSE BILL 316

Page 2

The prescribed burning must be conducted by the certified prescribed burner who shall be present on site and in charge throughout the burn. An exception to this provision allows a landowner to conduct the prescribed burning when the forestland acreage to be burned is less than 50 acres and the landowner conducts the prescribed burning according to a prescription prepared by a certified prescription burner.

The landowner or his agent must obtain an open burning permit from the Division of Forest Resources. The prescribed burning also must be conducted in accordance with the terms of the open burning permit, all State air pollution control statutes, local open burning ordinances, the voluntary smoke management guidelines set by the Division of Forest Resources, and any rules the Division adopts to implement this Article.

The terms of this article are not applicable when the Secretary of DENR has cancelled burning permits or prohibited all open burning.

The act becomes effective January 1, 2000.

3-24-99

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

H.B. 316 A BILL TO BE ENTITLED AN ACT TO ENCOURAGE PRESCRIBED
BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN
CONDITIONS.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ JUDICIARY I ☒.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

LOCAL BILL

H.B. 0531

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING IN LEE COUNTY.

| | | | |
|--|------------|-------|-------|
| <i>Introduced by Representative(s)</i> | <u>Cox</u> | _____ | _____ |
| _____ | _____ | _____ | _____ |
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Principal Clerk's Use Only

PASSED 1st READING
MAR 23 1999
AND REFERRED TO COMMITTEE
ON Wildlife Resources

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 531*
Committee Substitute Favorable 4/7/99

Short Title: Lee Hunting Regulation.

(Local)

Sponsors:

Referred to:

March 23, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE HUNTING IN LEE COUNTY.
3 The General Assembly of North Carolina enacts:

4 Section 1. It is unlawful for any person to hunt with a firearm, bow and
5 arrow or crossbow, or other deadly weapon while on the land of another unless the
6 person is a spouse, child, or grandchild of the landowner or has on his person a
7 paper writing dated and signed by the owner or lessee of the land granting the person
8 permission to hunt with a firearm, bow and arrow, crossbow, or other deadly weapon
9 while on the land. If the land is owned by or leased to a club, the permission shall
10 be signed by the club president or other chief executive. If the land is owned by or
11 leased to a corporation, the permission shall be signed by the president or the vice-
12 president of the corporation or the authorized designee of the president or vice-
13 president. Permission shall not be valid for a period of more than one year, but may
14 be valid for any shorter period stated in the permission. The written permission shall
15 be displayed upon request to any law enforcement officer authorized to enforce this
16 section.

17 Section 2. It is unlawful to hunt, take, or kill with a firearm, bow and
18 arrow, crossbow, or other deadly weapon or to attempt to hunt, take, or kill with any
19 such weapon any wild animal or wild bird on, from, or across the right-of-way of any
20 public road, street, highway, or thoroughfare.

21 Section 3. It is unlawful to discharge a firearm from, onto, across, or
22 down the right-of-way of any public road, street, highway, or thoroughfare. This

1 section shall not apply to law enforcement officers who discharge their firearms in the
2 lawful discharge of their duties.

3 Section 4. Violation of the provisions of Sections 1 through 3 of this act
4 is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-
5 1340.23, violation of those sections is punishable by a fine of up to three hundred
6 dollars (\$300.00).

7 Section 5. This act is enforceable by law enforcement officers of the
8 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
9 officers with general subject matter jurisdiction.

10 Section 6. This act applies only to Lee County.

11 Section 7. This act becomes effective October 1, 1999.

March 23, 1999

H 531. LEE HUNTING REGULATION (=S 302). *TO REGULATE HUNTING IN LEE COUNTY.*

Identical to S 302, introduced 3/9/99.

Intro. by Cox.

Ref. to Wildlife Resources

LEE

April 7, 1999

H 531. LEE HUNTING REGULATION. Intro. 3/23/99. House committee substitute makes the following changes to 1st edition. Clarifies that a spouse, child, or grandchild of a landowner do not need written permission to hunt on the land; removes provision making it unlawful to possess a loaded firearm on the land of another while under the influence of an impairing substance; and clarifies that the provision prohibiting the discharge of a firearm across a street or highway does not apply to law enforcement officers acting while on duty.



H531: Lee Hunting Regulations

BILL ANALYSIS

Committee: House Wildlife Resources
Date: April 7, 1999
Version: Proposed Com. Sub.
Introduced by: Representative Cox

Summary by: Ed Rossi
Committee Co-Counsel

SUMMARY: *Senate bill 302 does the following:*

- *Requires hunters who are not hunting on their own land to get written permission to hunt from either the owner or lessee of the land, unless the person hunting is a spouse, child, or grandchild of the landowner, or lessee.*
- *Requires hunters to display this written permission when asked to by law enforcement.*
- *Prohibits hunting with a deadly weapon: (i) from a right-of way; (ii) across a right-of-way; or (iii) on a right-of way of public road, highway, or thoroughfare. .*
- *Makes violation of the act a Class 3 misdemeanor punishable by a \$300.00 fine.*

CURRENT LAW: North Carolina has a generally applicable laws that regulate hunting. Under these laws,¹ persons who control hunting rights to a tract of property can register that property with the Wildlife Resources Commission. Once the land is registered, the Commission issues entry permits that are good for one year. Hereafter, hunters must carry these permits when hunting on the land.

Land that is registered with the Commission is required to have "posted" notices. These notices must measure at least 120 square inches and contain the word "POSTED" in letters that are at least three inches high and must also state that the property is registered with the Commission and that hunting is prohibited without an entry permit.

Hunters who are on someone else's land without permission have an affirmative duty to look for these "posted" notices.² If land has been registered and "posted" a hunter may not hunt on that land unless she has in her possession a valid entry permit issued by the Commission. Violations of this provision are punishable as a Class 3 misdemeanors for 1st convictions and Class 2 misdemeanor for any subsequent convictions within 2 years.

BILL ANALYSIS: The permits required under current law for land registered with the Wildlife Resources Commission and the permits required by this bill are different. They are issued by different entities. Accordingly, "double jeopardy" does not apply because the elements for the offenses are different.³ Nonetheless, it is conceivable that hunters in Lee County might in certain instances have to get more than one permit and might be subject to more than one fine.

¹ Chapter 113 Article 21A

² G.S. § 113-284

³ State v. Evans, 125 N.C. App. 301, 480 S.E.2d 435, disc. review denied, 346 N.C. 551, 488 S.E.2d 813 (1997)

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Jim Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

H.B. 531 - A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN LEE COUNTY

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ .
- ☒ With a favorable report as to committee substitute bill (~~#~~), ☐ which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

PUBLIC BILL

ROLL CALL

H.B. 0541

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT TROT LINES, BUOY SETS, AND SET HOOKS ARE SPECIAL FISHING DEVICES.

| | | | |
|--|-----------------|--|--|
| <i>Introduced by Representative(s)</i> | <u>Mitchell</u> | | |
| | | | |
| | | | |
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PASSED 1st READING

MAR 23 1999

AND REFERRED TO COMMITTEE

ON Wildlife Resources

if law finance

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 541

Short Title: Buoy Fishing/Special Fishing Device.

(Public)

Sponsors: Representative Mitchell.

Referred to: Wildlife Resources, if favorable, Finance.

March 23, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT TROT LINES, BUOY SETS, AND SET HOOKS
3 ARE SPECIAL FISHING DEVICES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G. S. 113-272.3 reads as rewritten:
6 "§ 113-272.3. Special provisions respecting special devices; fishing licenses; grabbling;
7 taking bait fish; use of landing nets; lifetime licenses issued from Wildlife Resources
8 Commission headquarters; personalized lifetime sportsman combination licenses.
9 (a) The Wildlife Resources Commission by rule may define the meaning of 'hook
10 and line' and 'special device' as applied to fishing techniques. Any technique of
11 fishing that may be lawfully authorized which employs neither the use of any special
12 device nor hook and line must be pursued under the appropriate hook-and-line
13 fishing license.
14 (a1) Notwithstanding subsection (a) of this section, trotlines, buoy sets, and set
15 hooks as defined in this section are special fishing devices. The use of any of these
16 special fishing devices requires the special device fishing license as provided by G.S.
17 113-272.2. A licensed individual fishing any set hook in inland public water shall be
18 within 100 yards of the set hook at all times. Buoy sets, trotlines, gill nets, fish traps,
19 and any other special device that the Wildlife Resources Commission determines
20 should be marked for the convenience and safety of the public shall be marked with
21 yellow buoys made of solid foam or other solid buoyant material no less than five
22 inches in their smallest dimension. Double buoys as described in this subsection shall
23 be used to mark each end of anchored, fixed, or drift gill nets and trotlines. Buoys
24 shall be marked with the owner's name and address, special device fishing license

1 number, or vessel registration number either by engraving the buoys or by attaching
2 engraved metal or plastic tags to the buoys.

3 (b) In accordance with established fishing customs and the orderly conservation of
4 wildlife resources, the Wildlife Resources Commission may by rule provide for use of
5 nets or other special devices which it may authorize as an incident to hook-and-line
6 fishing or for procuring bait fish without requiring a special device license. In this
7 instance, however, the individual fishing must meet applicable hook-and-line license
8 requirements.

9 (c) Lifetime licenses are issued from the Wildlife Resources Commission
10 headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime
11 Sportsman License must be accompanied by a certified copy of the birth certificate of
12 the individual to be named as the license holder.

13 (d) In issuing lifetime sportsman combination licenses, the Wildlife Resources
14 Commission is authorized to adopt rules to establish a personalized series and to
15 charge a five dollar (\$5.00) administrative fee, to be deposited in the Wildlife Fund,
16 to defray the cost of issuance of the personalized license.

17 (e) The following definitions apply in this section:

18 (1) Buoy set. -- A hook and line affixed to an approved buoy as
19 provided in G.S. 113-272.3(a1).

20 (2) Set hook. -- A hook and line affixed to a stationary object or
21 anchor and not under the immediate control of a licensed
22 individual.

23 (3) Trotline. -- A line having multiple hooks that is attached to a
24 stationary object or anchor at either or both ends."

25 Section 3. This act becomes effective July 1, 1999.

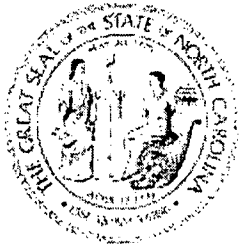
March 23, 1999

H 541. BUOY FISHING/SPECIAL FISHING DEVICE. TO PROVIDE THAT TROT LINES, BUOY SETS, AND SET HOOKS ARE SPECIAL FISHING DEVICES. Enacts new GS 113-272.3(a1) to provide that trotlines, buoy sets, and set hooks as defined are special fishing devices. The use of any of these devices requires the special device fishing license as provided by GS 113-272.2. A licensed individual fishing any set hook in inland public water shall be within 100 yards of the set hook at all times. Buoy sets, trotlines, gill nets, fish traps, and any other special device that the Wildlife Resources Comm'n determines should be marked for the convenience and safety of the public shall be marked with yellow buoys made of solid foam or other solid buoyant material no less than five inches in their smallest dimension. Double buoys shall be used to mark each end of anchored, fixed, or drift gill nets and trotlines. Buoys shall be marked with the owner's name and address, special device fishing license number, or vessel registration number, either by engraving the buoys or by attaching engraved metal or plastic tags to the buoys. A buoy set is defined as a hook and line affixed to an approved buoy as provided in GS 113-272.3(a1). A set hook is defined as a hook and line affixed to a stationary object or anchor and not under the immediate control of a licensed individual. A trotline is defined as a line having multiple hooks that is attached to a stationary object or anchor at either or both ends. Effective July 1, 1999.

Intro. by Mitchell.

Ref. to Wildlife Resources

GS 113



HB 541: Buoy Fishing/Special Fishing Device

BILL ANALYSIS

Committee: Wildlife Resources
Date: April 7, 1999
Version: 1st Edition

Introduced by: Rep. Mitchell
Summary by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 541 defines trotlines, bouy sets, and set hooks as special devices requiring licenses, requires set hooks to be attended, and requires marking of special devices when the Wildlife Resources Commission determines that it is necessary for public convenience or safety.*

CURRENT LAW: Under G.s. 113-272.2, special devices are defined as any device used in fishing other than hook and line. The law requires that a special device license be obtained annually in order to fish with the device. The resident noncommercial special device license allows the taking of fish with no more than 3 special devices. The resident commercial license authorizes the use of 4 or more devices.

BILL ANALYSIS: House Bill 541 amends G.S. 113-272.3 and defines trotlines, bouy sets, and set hooks to be special devices. The provisions of the act require that persons fishing with set hooks in public waters be within 100 yards of the device at all times. It also requires that special devices, including bouy sets, trotlines, gill nets, and fish traps be marked with a yellow bouy made of solid bouyant material such as solid foam, marked with the owner's name, address, and fishing license number or vessel registration number. Double bouys are required for anchored, fixed, or drift gill nets and trotlines.

The act becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Jim Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

H.B. 541 - A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TROT LINES,
BUOY SETS, AND SET HOOKS ARE SPECIAL FISHING DEVICES.

- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☒ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

PUBLIC BILL

1209

H.B.

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW REGULATING
PERSONAL WATERCRAFT OPERATION TO CONFORM WITH THE RECOMMENDATIONS OF THE
NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS AND TO OTHERWISE
IMPROVE PERSONAL WATERCRAFT SAFETY.

Introduced by Representative(s)

Preston

Principal Clerk's Use Only

PASSED 1st READING

APR 15 1999

AND REFERRED TO COMMITTEE

ON *Wildlife Resources*

favorable, Sharp and Meane

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1209

Short Title: Personal Watercraft Safety.

(Public)

Sponsors: Representative Preston.

Referred to: Wildlife Resources, if favorable, Ways and Means.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW
3 REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM
4 WITH THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF
5 STATE BOATING LAW ADMINISTRATORS AND TO OTHERWISE
6 IMPROVE PERSONAL WATERCRAFT SAFETY.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 75A-13.3 reads as rewritten:

9 "§ 75A-13.3. Personal watercraft.

10 (a) No person shall operate a personal watercraft on the waters of this State at any
11 time between ~~the hours from one hour after sunset to one hour before~~ and sunrise.
12 For purposes of this section, "personal watercraft" means a small vessel which uses an
13 outboard or propeller-driven motor, or an inboard motor powering a water jet pump,
14 as its primary source of motive power and which is designed to be operated by a
15 person sitting, standing, or kneeling on, or being towed behind the vessel, rather than
16 in the conventional manner of sitting or standing inside the vehicle.

17 (b) Except as otherwise provided in this subsection, no person under 16 years of
18 age shall operate a personal watercraft on the waters of this State, ~~nor shall~~ and it is
19 unlawful for the owner of a personal watercraft or a person who has temporary or
20 permanent responsibility for a person under the age of 16 to knowingly allow a
21 person under the age of 16 that person to operate a personal watercraft. A person of
22 at least 13 years of age but under 16 years of age may operate a personal watercraft
23 on the waters of this State if:

April 15, 1999

H 1209. PERSONAL WATERCRAFT SAFETY. TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM WITH THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS AND TO OTHERWISE IMPROVE PERSONAL WATERCRAFT SAFETY. Amends GS 75A-13.3 on personal watercraft as follows. Prohibits operation of personal watercraft after sunset and before sunrise (was, one hour after sunset and one hour before sunrise). Continues to allow person age 13 or older but under age 16 to operate personal watercraft but requires person to be accompanied by someone at least 18 years old (was, 16). Requires person under age 16 to carry identification and boater safety certification card while operating personal watercraft and to produce identification and certification card on request of wildlife or local law enforcement officer; provides that violation is infraction under amended GS 75A-18. Requires livery that rents personal watercraft to public to carry liability insurance of at least \$1,000,000; provides that violation is Class 2 misdemeanor, punishable by fine up to \$1,000 under amended GS 75A-18. Requires persons operating personal watercraft to wear type I, II, III, or V flotation device and provides that inflatable flotation devices do not satisfy this requirement. Prohibits towing of another person behind personal watercraft unless an observer is on board in addition to the operator and the number of persons on the personal watercraft does not exceed the maximum number of persons recommended by the manufacturer. Prohibits jumping of wake of another vessel within 100 feet of vessel (was, when unreasonably or unnecessarily close). Prohibits operating personal watercraft at greater than no-wake speed in areas specified in new GS 75A-13.3(e)(4); also prohibits operating personal watercraft contrary to rules of road and following too closely as defined in new GS 75A-13.3(e)(5). Repeals subsection (g) of GS 75A-13.3, which limited application of section to certain waters within state; also repeals GS 75A-13.2, the current section on personal watercraft.

Intro. by Preston.

Ref. to Wildlife Resources

GS 75A



HOUSE BILL 1209: Personal Watercraft Safety

BILL ANALYSIS

Committee: Wildlife Resources
Date: April 21, 1999
Version: 1st Edition

Introduced by: Rep. Preston
Summary by: Barbara Riley
Committee Counsel

SUMMARY:

House Bill 1209 would enact changes to the State's boating safety laws conforming the regulations for personal watercraft (jet skis) to the recommendations of the National Association of State Boating Law Administrators (NASBLA).

CURRENT LAW:

Two sections of Chapter 75A, the Boating Safety Act, deal specifically with the operation of personal watercraft (pwc's). One provision is the Statewide law and the other is a local law for the upper Catawba River region. The statewide provision, G.S. 75A-13.2 provides that a pwc may not be operated between the period one hour after sunset to one hour before sunrise. No person may operate or be towed behind a pwc without wearing a personal floatation device. Reckless operation of the pwc is forbidden including (1) unnecessary weaving (2) wake jumping, and (3) approaching another vessel only to swerve at the last moment to avoid a collision. Reckless operation of a pwc is a Class 2 misdemeanor.

In addition to the provisions of the statewide law, the local provision for the upper Catawba river requires a person to be at least 16 in order to operate a pwc. Persons 13 to 16 years of age may operate a pwc if accompanied by a person 16 or older, or if they have a boating safety certificate. Liveries may not lease a pwc to a person under 16 unless they meet the above criteria. Further, if the pwc is equipped with a lanyard-type switch, that lanyard must be attached to the operators clothing or pfd at all times so that the engine is cut off if the operator dismounts while the pwc is in operation.

BILL ANALYSIS:

House Bill 1209 repeals G.S. 75A-13.2, the statewide statute, and amends G.S. 75A-13.3, the upper Catawba provision, making it statewide in application and conforming the requirements of the law with the recommendations of NASBLA. As amended G.S. 75A-13.3 would require:

1. No operation of a pwc between sunset and sunrise.
2. Minimum age of 16. 13 year olds may operate a pwc if they have completed a NASBLA approved boating safety course or are accompanied by a person 18 or older.
3. Must wear a Type I, II, III, or V floatation device. No inflatable pfd's.

HOUSE BILL 1209

Page 2

4. When towing a person behind the pwc, must have an observer in addition to the operator. Total number of persons being towed and onboard may not exceed manufacturers load limit.

5. Activities constituting reckless operation include operating a greater than no wake speed near within 100' of a moored or anchored vessel, the shore, a dock, a marked swimming area, swimmers, surfers, and anglers. Pwc operators are also required to observe the "rules of the road" and may not follow another vessel too closely.

6. Boat liveries renting pwc's must carry liability insurance in the amount of \$1,000,000.

The bill also amends G.S. 75A-18, providing penalties for violations of Chapter 75A, to make violation of G.S. 75A-13.3 by a person under the age of 16 an infraction. Further, boat liveries that fail to carry the required insurance are guilty of a Class 2 misdemeanor and subject only to a fine not to exceed \$1,000.

The act becomes effective December 1, 1999 and applies to acts committed on or after that date.

LOCAL BILL

1507

H.B.

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROHIBITION ON LEG-GRIPPING TRAPS IN DUPLIN COUNTY.

Introduced by Representative(s): Tucker and Ford.

Tucker
Ford

Principal Clerk's Use Only

PASSED 1st READING

MAY 11 2000

AND REFERRED TO COMMITTEE

ON Wildlife Resources

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1507*

Short Title: Duplin/Repeal Trap Prohibition.

(Local)

Sponsors: Representatives Tucker and Ford.

Referred to: Wildlife Resources.

May 11, 2000

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE PROHIBITION ON LEG-GRIPPING TRAPS IN
3 DUPLIN COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 1266 of the 1973 Session Laws is repealed.
6 Section 2. This act is effective when it becomes law.

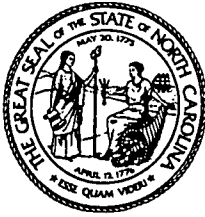
May 11, 2000

H 1507. DUPLIN/REPEAL TRAP PROHIBITION. TO REPEAL THE PROHIBITION ON LEG-GRIPPING TRAPS IN DUPLIN COUNTY. As title indicates. Effective when it becomes law.

Intro. by Tucker and Ford.

Ref. to Wildlife Resources

LOCAL



HB 1507: Duplin/Repeal Leghold Trap Prohibition

BILL ANALYSIS

Committee: Wildlife Resources
Date: June 6, 2000
Version: 1st Edition

Introduced by: Rep. Tucker and Ford
Summary by: Barbara Riley
Committee Counsel

SUMMARY:

House Bill 1507 repeals the provisions of Chapter 1266 of the 1973 Session Laws that prohibits the use of leg gripping traps in Duplin County. After repeal, the provisions of the General Statutes governing the use of leghold traps would apply. G.S. 113-291.6.

The act is effective when it becomes law.

§ 113-291.6. Regulation of trapping.

- (a) No one may take wild animals by trapping upon the land of another without having in his possession written permission issued and dated within the previous year by the owner of the land or his agent. This subsection does not apply to public lands on which trapping is not specifically prohibited, including tidelands, marshlands, and any other untitled land.
- (b) No one may take wild animals by trapping with any steel-jaw, leghold, or connibear trap unless it:
- (1) Has a jaw spread of not more than seven and one-half inches.
 - (2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.
 - (3) Is smooth edged and without teeth or spikes.
 - (4) Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.
- A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by the Wildlife Resources Commission.
- (c) No person may set or otherwise use a trap so that animals or birds when caught will be suspended. No hook of any type may be used to take wild animals or wild birds by trapping.
- (d) Trap number 330 of the connibear type or size may only be set in the water and in areas in which beaver and otter may be lawfully trapped. For the purposes of this section:
- (1) A water-set trap is one totally covered by water with the anchor secured in water deep enough to drown the animal trapped quickly.
 - (2) In areas of tidal waters, the mean high water is considered covering water.
 - (3) In reservoir areas, covering water is the low water level prevailing during the preceding 24 hours.
 - (4) Marshland, as defined in G.S. 113-229(n)(3), is not considered dry land.
- (e) With respect to any lawfully placed trap of another set in compliance with the provisions of this section, no one without the express permission of the trapper may:
- (1) Remove or disturb any trap; or
 - (2) Remove any fur-bearing animal from the trap.
- This subsection does not apply to wildlife protectors or other law-enforcement officers acting in the performance of their duties.
- (f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county or State public health officials or their agents to control the spread of disease when the use of these traps has been declared necessary by the State Health Director.
- (g) The Wildlife Resources Commission must include the trapping requirements of this section in its annual digest of hunting and trapping rules provided to each person upon purchase of a license.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report from standing committee is presented:

By Representative Gulley for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

H.B. 1507 A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON
LEG-GRIPPING TRAPS IN DUPLIN COUNTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ .

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1659
Proposed Committee Substitute H1659-PCS8201-LL001

Short Title: Carteret No-Wake Zones.

(Local)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH NO-WAKE SPEED ZONES IN CARTERET COUNTY.

3 The General Assembly of North Carolina enacts:

4 Section 1. It is unlawful to operate a vessel at greater than no-wake
5 speed in Gallant's Channel in Carteret County from Duke Marine Laboratory's south
6 docks to the rock jetty on the east side of Radio Island. No-wake speed is idle speed
7 or a slow speed creating no appreciable wake.

8 Section 2. It is unlawful to operate a vessel at greater than no-wake
9 speed in Bogue Sound at Salter Path in Carteret County from Mariner's Point to the
10 location of Homer Smith Seafood. No-wake speed is idle speed or a slow speed
11 creating no appreciable wake.

12 Section 3. With regard to marking the no-wake speed zones established
13 in Sections 1 and 2 of this act, Carteret County or its designee may place and
14 maintain the markers in accordance with the Uniform Waterway Marking System and
15 any supplementary standards from such a system adopted by the Wildlife Resources
16 Commission. All markers of the no-wake speed zone shall be buoys or floating signs
17 placed in the water and must be sufficient in number and size to give adequate
18 warning of the no-wake speed zone to the vessels approaching from various
19 directions.

20 Section 4. This act is enforceable under G.S. 75A-17 as if it were a
21 provision of Chapter 75A of the General Statutes.

22 Section 5. Violation of Sections 1 or 2 of this act is a Class 3
23 misdemeanor.

- 1 Section 6. This act applies only to Carteret County.
- 2 Section 7. This act is effective when it becomes law and is enforceable
- 3 after markers complying with Section 3 of this act are placed in the water.

May 23, 2000

H 1659. GALLANT'S CHANNEL NO-WAKE ZONE. *TO ESTABLISH A NO-WAKE SPEED ZONE IN GALLANT'S CHANNEL NEAR RADIO ISLAND IN CARTERET COUNTY.* As title indicates.

Intro. by Smith and Preston.

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|----------------------------|
| Ref. to Wildlife Resources |
|----------------------------|

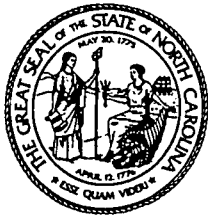
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| CARTERET |
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June 7, 2000

H 1659. CARTERET NO-WAKE ZONE. Intro. 5/23/00. House committee substitute makes the following changes to 1st edition. Adds additional no-wake speed zone in Bogue Sound at Salter Path.

June 27, 2000

H 1659. CARTERET NO-WAKE ZONES. Intro. 5/22/00. Senate committee substitute makes the following changes to 2nd edition. Changes one boundary of no-wake zone to the west boundary line of Salter Path and extending 100 feet into the sound (was, the location of Homer Smith Seafood).



HB 1659: Gallant's Channel No-Wake Zone

BILL ANALYSIS

Committee: Wildlife Resources
Date: June 7, 2000
Version: 1st Edition

Introduced by: Smith and Preston
Summary by: Barbara Riley
Committee Counsel

SUMMARY:

House Bill 1659 establishes a no-wake zone in Gallant's channel from the Duke Marine Lab's south docks to the rock jetty on the east side of Radio Island. No-wake speed is idle speed or slow speed with no appreciable wake.

Carteret County or its designee may place and maintain markers. Markers are to be consistent with the Uniform Waterway Marking System and supplementary standard adopted by the Wildlife Resources Commission. Markers are to be of such size and number as to give adequate warning of the zone.

The act is enforceable under G.S. 75A-17 as if it were a boating safety statute. Violation of the act is a Class 3 misdemeanor.

The act is effective when it becomes law and enforceable after markers are placed in the water.

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report from standing committee is presented:

By Representative Gulley for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

H.B. 1659 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE SPEED
ZONE IN GALLANT'S CHANNEL NEAR RADIO ISLAND IN CARTERET
COUNTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill (~~#~~), ☒ which changes the title,
unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on).

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of Rep. _____, (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) ____ is/are adopted (by EV ____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) ____ is/are adopted (by EV ____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV ____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV ____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV ____,) and
the bill is ordered enrolled.

JBLIU BILL

OLL CALL

Ext Nat Res

Proposed Committee Substitute For

S.B. 323

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO EXTEND WATERFOWL HUNTING PRIVILEGES TO HOLDERS OF COMPREHENSIVE HUNTING LICENSES, TO INCREASE THE FEE CHARGED FOR MIGRATORY WATERFOWL LICENSES, AND TO INCREASE THE APPLICATION FEE FOR MANAGED HUNTS FOR MIGRATORY WATERFOWL AND REQUIRE APPLICANTS TO FURNISH SATISFACTORY PROOF OF POSSESSION OF THE NECESSARY HUNTING LICENSE.

Introduced by Senator(s)

Kerr

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
APR 21 1999

RE-REFERRED TO

Finance

AL NOTE ATTACHED MAY 5 1999

Committee on *Finance* to whom this bill
referred, a majority being present and
it, has carefully considered the same and
recommended that it do ☒ pass.

[Signature]
For the Committee

RTED FAVORABLY MAY 5 1999

PASSED 2nd & 3rd
READINGS

47-0

VV

MAY 6 1999

ORDERED SENT TO
HOUSE OF REPRESENTATIVE

Janet P. Smith

05-10-99P07:29 RCVD

[Signature]

PASSED 1st READING

MAY 11 1999

AND REFERRED TO COMMITTEE

ON *Wildlife Resources*

*of favorable Rules
Calendar and Operations
of the House*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 323

Short Title: Waterfowl License Changes/AB.

(Public)

Sponsors: Senator Kerr.

Referred to: Agriculture/Environment/Natural Resources.

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND WATERFOWL HUNTING PRIVILEGES TO HOLDERS
3 OF COMPREHENSIVE HUNTING LICENSES, TO INCREASE THE FEE
4 CHARGED FOR MIGRATORY WATERFOWL LICENSES, AND TO
5 INCREASE THE APPLICATION FEE FOR MANAGED HUNTS FOR
6 MIGRATORY WATERFOWL AND REQUIRE APPLICANTS TO FURNISH
7 SATISFACTORY PROOF OF POSSESSION OF THE NECESSARY HUNTING
8 LICENSE.

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 113-270.2(a) reads as rewritten:

11 "(a) The hunting licenses set forth in subdivisions (1), (3), and (6) of subsection
12 (c) of this section entitle the holder to take, except on game lands, wild birds and
13 wild animals, other than big game and waterfowl, by all lawful methods and in all
14 open seasons. The comprehensive hunting licenses of subdivisions (2) and (5) of
15 subsection (c) of this section further entitle the holder to take big game and
16 waterfowl and to use game lands."

17 Section 2. G.S. 113-270.3(b)(5) reads as rewritten:

18 "(5) Migratory Waterfowl Hunting License -- ~~\$5.00.~~ \$10.00. This
19 license shall be issued to an individual resident or nonresident of
20 the State and entitles the holder to take migratory waterfowl in
21 accordance with applicable laws and regulations. The Wildlife
22 Resources Commission may implement this license requirement
23 through the sale of an official waterfowl stamp which may be a
24 facsimile, in an appropriate size, of the waterfowl conservation

1 print authorized by G.S. 113-270.2B. An amount not less than one-
2 half of the annual proceeds from the sale of this license shall be
3 used by the Commission for cooperative waterfowl habitat
4 improvement projects through contracts with local waterfowl
5 interests, with the remainder of the proceeds to be used by the
6 Commission in its statewide programs for the conservation of
7 waterfowl."

8 Section 3. G.S. 113-291.2(a) reads as rewritten:

9 "(a) In accordance with the supply of wildlife and other factors it determines to
10 be of public importance, the Wildlife Resources Commission may fix seasons and bag
11 limits upon the wild animals and wild birds authorized to be taken that it deems
12 necessary or desirable in the interests of the conservation of wildlife resources. The
13 authority to fix seasons includes the closing of seasons completely when necessary and
14 fixing the hours of hunting. The authority to fix bag limits includes the setting of
15 season and possession limits. Different seasons and bag limits may be set in differing
16 areas; early or extended seasons and different or unlimited bag limits may be
17 authorized on controlled shooting preserves, game lands, and public hunting grounds;
18 and special or extended seasons may be fixed for those engaging in falconry, using
19 primitive weapons, or taking wildlife under other special conditions. Unless modified
20 by rules of the Wildlife Resources Commission, the seasons, shooting hours, bag
21 limits, and possession limits fixed by the United States Department of Interior or any
22 successor agency for migratory game birds in North Carolina must be followed, and a
23 violation of the applicable federal rules is hereby made unlawful. When the
24 applicable federal rules require that the State limit participation in seasons and/or bag
25 limits for migratory game birds, the Wildlife Resources Commission may schedule
26 managed hunts for migratory game birds. Participants in such hunts shall be selected
27 at random by computer from properly licensed applicants. A nonrefundable fee of
28 ~~five dollars (\$5.00)~~ ten dollars (\$10.00) shall be required of each applicant to defray
29 the cost of processing the applications. Each applicant shall provide proof
30 satisfactory to the Wildlife Resources Commission that the applicant is the lawful
31 holder of a North Carolina hunting license that includes waterfowl privileges.

32 Where there is a muzzle-loading firearm season for deer, with a bag limit of five or
33 more, one antlerless deer may be taken. Dogs may not be used for hunting deer
34 during such season."

35 Section 4. This act becomes effective July 1, 1999.

March 11, 1999

S 323. WATERFOWL LICENSE CHANGES. TO EXTEND WATERFOWL HUNTING PRIVILEGES TO HOLDERS OF COMPREHENSIVE HUNTING LICENSES, TO INCREASE THE FEE CHARGED FOR MIGRATORY WATERFOWL LICENSES, AND TO INCREASE THE APPLICATION FEE FOR MANAGED HUNTS FOR MIGRATORY WATERFOWL AND REQUIRE APPLICANTS TO FURNISH SATISFACTORY PROOF OF POSSESSION OF THE NECESSARY HUNTING LICENSE. Amends GS 113-270.2(a), 113-270.3(b)(5), and 113-291.2(a) as title indicates. Migratory waterfowl hunting license and application fee for managed hunts for migratory waterfowl are both increased from \$5 to \$10. Effective July 1, 1999.

Intro. by Kerr.

Ref. to Agriculture

GS 113

April 21, 1999

S 323. WATERFOWL LICENSE CHANGES. Intro. 3/11/99. Senate committee substitute makes the following changes to 1st edition. Amends GS 113-129 to add a definition of waterfowl as migratory birds for which open seasons are prescribed by U.S. Dep't of Interior and belonging to the Family Anatidae (wild ducks, geese, brant, and swans). Amends GS 113-270.1D(a) to include the taking of waterfowl in the annual sportsman license.



SENATE BILL 323: Waterfowl License Changes/AB

BILL ANALYSIS

Committee: Wildlife Resources
Date: May 19, 1999
Version: 2nd Edition

Introduced by: Senator Kerr
Summary by: Barbara Riley
Committee Counsel

SUMMARY: *Senate Bill 323 makes a number of changes to the license laws for the hunting of waterfowl and increases the fees for a waterfowl hunting license and for a special swan hunting permit.*

CURRENT LAW: Under the current hunting licensure laws, an Annual Sportsman License allows the hunting of all wild animals and wild birds, except migratory waterfowl. G.S. 113-27.1D(a). Comprehensive hunting licenses set out in G.S. 113-270.2 (c)(2) and (5) allow the taking of wild animals, wild birds, and big game. Waterfowl are not included in the comprehensive hunting licenses.

BILL ANALYSIS: Senate Bill 323 would add the waterfowl hunting privilege to both the Annual Sportsman License and the Comprehensive hunting licenses. According to the Wildlife Resources Commission, the omission of the waterfowl privilege in these licenses has caused some to mistakenly believe that they have obtained all the necessary licenses to hunt waterfowl. The Commission believes the amendments would remedy the situation and the loss of revenue would be minimal.

The bill also increases the cost of a Migratory Waterfowl Hunting License from \$5 to \$10. In addition, G.S. 113-291.2 is amended to increase the cost of a swan permit from \$5 to \$10 and to require that an applicant for a swan permit provide proof to the Wildlife Resources Commission that they hold a valid North Carolina hunting license that includes waterfowl hunting privileges.

The comments of the Wildlife Resources Commission on the provisions of Senate Bill 323 are contained on the reverse of this memo.

Explanation of SB 323, Waterfowl License Changes

The Wildlife Resources Commission has proposed some minor adjustments to the waterfowl hunting license fee and the procedure used to administer special swan hunting permits. These changes are contained in SB 323.

- Section 1 adds the waterfowl hunting privilege to the annual and lifetime comprehensive hunting licenses. This is advisable because the omission of this privilege in the comprehensive hunting license causes many people to mistakenly think that they have all the licenses they need to hunt waterfowl. This amendment will remedy this situation and the loss of license revenue will be insignificant.
- Section 2 raises the cost of the waterfowl hunting license from \$5.00 to \$ 10.00. This fee has not been increased since the waterfowl hunting license was established in 1987. The Wildlife Resources Commission is required to spend the funds from this license on waterfowl conservation projects. About 27,000 waterfowl hunting license are sold annually; so, the new revenue generated by this change would be about \$135,000 to support additional waterfowl conservation work.
- Section 3 increases the application fee for the special swan hunting permit from \$5.00 to \$10.00. About 5,500 applications for swan permits are received each year; so, about \$27,500 in new funds would be generated from this increase. The application fee is used to pay the cost associated with administering the special drawing and hunting requirements, such as the swan tag and hunt report.
- Section 3 also requires that an applicant show proof that he or she has a North Carolina hunting license, including the waterfowl license, in order to establish eligibility to apply for the special swan hunting permit. This change is necessary because only 5,000 swan permits are allocated to North Carolina; therefore, these applications should be limited to licensed hunters. Instances of anti-hunters applying for swan permits to deny legitimate hunters a chance to hunt swans have occurred. This change would not eliminate that possibility; but, it would raise the cost.

If this bill is enacted, the cost to hunt swans would be increased from \$25 to \$35 for residents. A resident would be required to have a regular hunting license (\$15), a waterfowl license (\$10), and a swan permit (\$10). A nonresident's cost would be increased from \$35 to \$45. Nonresidents would need a regular hunting license (\$25 for six days), a waterfowl license (\$10), and a swan permit (\$10). Persons who hold lifetime and annual sportsman or comprehensive hunting licenses will only have to pay \$5 more for the swan permit because the waterfowl hunting privilege is or will be included in their license.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Gulley** for the Committee on **WILDLIFE RESOURCES**.

☒ Committee Substitute for

S.B. 323 A BILL TO BE ENTITLED AN ACT TO EXTEND WATERFOWL HUNTING PRIVILEGES TO HOLDERS OF COMPREHENSIVE HUNTING LICENSES, TO INCREASE THE FEE CHARGED FOR MIGRATORY WATERFOWL LICENSES, AND TO INCREASE THE APPLICATION FEE FOR MANAGED HUNTS FOR MIGRATORY WATERFOWL AND REQUIRE APPLICANTS TO FURNISH SATISFACTORY PROOF OF POSSESSION OF THE NECESSARY HUNTING LICENSE.

- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on ~~Appropriations~~ ☐ Finance ☒ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of Rep. _____, (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

S.B. 391

SESSION LAW _____

H. 389

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DEER HUNTING IN MOORE COUNTY WITHOUT THE WRITTEN PERMISSION OF THE LANDOWNER, TO PROHIBIT DEER HUNTING FROM THE RIGHT-OF-WAY OF A PUBLIC ROAD IN MOORE COUNTY, AND TO REQUIRE OWNER IDENTIFICATION ON DOGS USED TO HUNT DEER IN MOORE COUNTY.

Introduced by Senator(s)

Kinnaird

*Kinnaird**Lee*

Principal Clerk's Use Only

FILED MAR 15 1999

PASSED 1st READING

MAR 16 1999

AND REFERRED TO COMMITTEE

ON *State & Loc. Gov.*

PASSED 1st READING

APR 13 1999

AND REFERRED TO COMMITTEE

ON *Wildlife Resources*

The Committee on **STATE & LOCAL GOV**
to whom this Bill was referred, a majority
being present and voting, has carefully
considered the same and recommend that
it do ☒ pass.

Ellie Kinnaird

For the Committee

REPORTED FAVORABLY APR 7 1999

PASSED 2nd & 3rd
READINGS

APR 8 1999

ORDERED SENT TO
HOUSE OF REPRESENTATIVE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 391

Short Title: Moore Deer Hunting.

(Local)

Sponsors: Senators Kinnaird; and Lee.

Referred to: State and Local Government.

March 16, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO PROHIBIT DEER HUNTING IN MOORE COUNTY WITHOUT
3 THE WRITTEN PERMISSION OF THE LANDOWNER, TO PROHIBIT DEER
4 HUNTING FROM THE RIGHT-OF-WAY OF A PUBLIC ROAD IN MOORE
5 COUNTY, AND TO REQUIRE OWNER IDENTIFICATION ON DOGS USED
6 TO HUNT DEER IN MOORE COUNTY.

7 The General Assembly of North Carolina enacts:

8 Section 1. It is unlawful to hunt deer on the land of another unless the
9 hunter has, on the hunter's person, a written permission signed and dated by the
10 owner or lessee of the land granting the hunter permission to hunt deer on that land.
11 If the land is owned or leased by a club, the president of the club shall issue the
12 permission to club members to hunt deer. Unless otherwise specified in the writing,
13 the written permission shall be valid for one year from the date of the permission.
14 The written permission shall be displayed upon request to any law enforcement
15 officer with the authority to enforce this act.

16 Section 2. It is unlawful to hunt, take, or kill deer at any time on, from,
17 or across the right-of-way of any public road or highway.

18 Section 3. It is unlawful to hunt deer with the aid of dogs unless each
19 dog bears a collar, tag, or other identification showing its owner's full name and
20 address. It is unlawful for any person other than the dog's owner to remove an
21 identification collar or tracking collar from a dog. The provisions of this section shall
22 not apply to a landowner or the landowner's children while those persons are
23 hunting deer on the landowner's property.

1 Section 4. Violation of this act is a Class 3 misdemeanor.
2 Notwithstanding the provisions of G.S. 15A-1340.23, violation of this act is punishable
3 (i) upon a first conviction by a fine of not less than three hundred dollars (\$300.00)
4 and not more than five hundred dollars (\$500.00), and (ii) upon a second or
5 subsequent conviction by a fine of not less than five hundred dollars (\$500.00) and
6 not more than seven hundred dollars (\$700.00), by imprisonment for up to 60 days,
7 loss of the defendant's North Carolina hunting license, or all three, in the discretion
8 of the court.

9 Section 5. This act is enforceable by law enforcement officers of the
10 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
11 officers with general subject matter jurisdiction.

12 Section 6. This act applies only to Moore County.

13 Section 7. This act becomes effective October 1, 1999.

March 16, 1999

S 391. MOORE DEER HUNTING (=H 389). *TO PROHIBIT DEER HUNTING IN MOORE COUNTY WITHOUT THE WRITTEN PERMISSION OF THE LANDOWNER, TO PROHIBIT DEER HUNTING FROM THE RIGHT-OF-WAY OF A PUBLIC ROAD IN MOORE COUNTY, AND TO REQUIRE OWNER IDENTIFICATION ON DOGS USED TO HUNT DEER IN MOORE COUNTY.* Identical to H 389, introduced 3/11/99.

Intro. by Kinnaird.

Ref. to St. & Loc. Gov.

MOORE



S391 Moore Deer Hunting

BILL ANALYSIS

Committee: Wildlife Resources.
Date: March 23, 1999
Version: 1st. Ed.
Introduced by: Senator Kinnaird

Summary by: Ed Rossi
Committee Co-Counsel

SUMMARY: *Senate Bill 391 does the following:*

- *Requires deer hunters who are not hunting on their own land to get written permission to hunt from either the owner or lessee of the land.*
- *Prohibits deer hunting: (i) from a right-of way; (ii) across a right-of-way; or (iii) on a right-of way of public road or highway.*
- *Requires that dogs used in hunting deer bear their owners name when not on their owner's land.*
- *Makes it unlawful for anyone other than a dog's owner to remove a dog's collar*
- *Provides that a violation of the act is a Class 3 misdemeanor punishable by: (i) a fine of \$300.00 to \$500 for a 1st offense; and (ii) a fine from \$500 to \$700, or jail time of up to 60 days, or loss of a hunting license or all three for a 2nd or any subsequent offenses .*

CURRENT LAW: North Carolina has a generally applicable laws that regulate hunting. Under these laws,¹ persons who control hunting rights to a tract of property can register that property with the Wildlife Resources Commission. Once the land is registered, the Commission issues entry permits that are good for one year. Thereafter, hunters must carry these permits when hunting on the land.

Land that is registered with the Commission is required to have "posted" notices. These notices must measure at least 120 square inches and contain the word "POSTED" in letters that are at least three inches high and must also state that the property is registered with the Commission and that hunting is prohibited without an entry permit.

Hunters who are on someone else's land without permission have an affirmative duty to look for these "posted" notices.² If land has been registered and "posted" a hunter may not hunt on that land unless she has in her possession a valid entry permit issued by the Commission. Violations of this provision are punishable as a Class 3 misdemeanors for 1st convictions and Class 2 misdemeanor for any subsequent convictions within 2 years.

BILL ANALYSIS: The permits required under current law for land and the permits required by this bill are different. They are issued by different entities. Accordingly, "double jeopardy" does not apply because the elements for the offenses are different.³ Nonetheless, it is conceivable that deer hunters in Moore County might in certain instances have to get more than one permit and might be subject to more than one fine.

¹ Chapter 113 Article 21A
G.S. § 113-284

³ State v. Evans, 125 N.C. App. 301, 480 S.E.2d 435, disc. review denied, 346 N.C. 551, 488 S.E.2d 813 (1997)

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Gulley** for the Committee on **WILDLIFE RESOURCES**.

☐ Committee Substitute for

SB 391 A BILL TO BE ENTITLED AN ACT TO PROHIBIT DEER HUNTING IN MOORE COUNTY WITHOUT THE WRITTEN PERMISSION OF THE LANDOWNER, TO PROHIBIT DEER HUNTING FROM THE RIGHT-OF-WAY OF A PUBLIC ROAD IN MOORE COUNTY, AND TO REQUIRE OWNER IDENTIFICATION ON DOGS USED TO HUNT DEER IN MOORE COUNTY.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on ~~Appropriations~~ ☐ Finance ☒ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

March 10, 1999

The House Committee on Wildlife Resources held an organizational meeting on Wednesday, March 10, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Carpenter, Goodwin, Melton, Sexton and Smith.

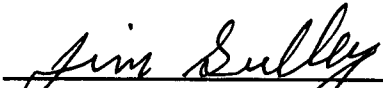
Representative Gulley called the meeting to order promptly, and thanked his fellow Representatives for serving on the committee. He introduced Barbara Riley, the Staff Attorney assigned to this committee, and Dick Hamilton, the Assistant Director of the Wildlife Resources Commission. Dick Hamilton, in turn, introduced those who staff the Wildlife Resources Commission and offered their help to the committee. Lastly, the Pages were recognized.

Mr. Hamilton explained the agency bills which would come before the committee. Salary increases for wildlife officers were discussed in particular.

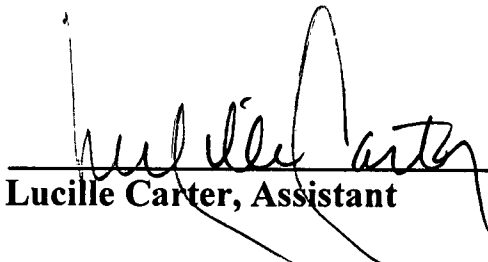
It was noted that the Senate does not have a Wildlife Committee. Thus, any matters before the House Wildlife Committee will be subsequently handled in the Senate Agriculture Committee.

After a brief question and answer period, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

WILDLIFE RESOURCES COMMITTEE

A G E N D A

Wednesday, March 24, 1999

Room 424 LOB

12:00 Noon

CALL TO ORDER: Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED

HB 389 - Moore Deer Hunting

HB 316 - Prescribed Burning in Forests

ADJOURNMENT

*** * * * ***

VISITOR REGISTRATION SHEET

Wildlife - 3/24/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY |
|-----------------------------|--------------------------------|
| 1. <u>Michelle Cook</u> | <u>Weyerhaeuser</u> |
| 2. <u>Bob Bloem</u> | <u>NC Forestry Assoc</u> |
| 3. <u>Natalie English</u> | <u>NC Agribusiness Council</u> |
| 4. <u>Dave Curbett</u> | <u>Alamo, TX</u> |
| 5. <u>RA</u> | <u>NC</u> |
| 6. <u>Doug Duncan</u> | <u>NC Forestry Assoc.</u> |
| 7. <u>Bob Role</u> | <u>NC Wildlife</u> |
| 8. <u>Steve Adams</u> | <u>NC Forest Service</u> |
| 9. <u>Dianne Brasley</u> | <u>NC Forest Service</u> |
| 10. <u>Laura DeVito</u> | <u>DNR</u> |
| 11. <u>A.B. Swindell</u> | <u>BFI</u> |
| 12. <u>Steve Levitt</u> | <u>Brooks, NC</u> |
| 13. <u>Richard Hamilton</u> | <u>NCWRC</u> |
| 14. _____ | _____ |
| 15. _____ | _____ |
| 16. _____ | _____ |
| 17. _____ | _____ |
| 18. _____ | _____ |
| 19. _____ | _____ |
| 20. _____ | _____ |
| 21. _____ | _____ |

MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

March 24, 1999

The House Committee on Wildlife Resources met on Wednesday, March 24, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Carpenter, Goodwin, Melton and Smith.

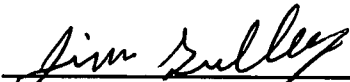
After calling the meeting to order, Representative Gulley recognized the Pages and had them introduce themselves to the committee.

House Bill 316, Prescribed Burning in Forests, was the only bill on the agenda. Representatives McComas and Owens were sponsors of this bill, and Representative Owens explained it to the committee. Representative Carpenter made a motion that the bill be given a favorable report and be re-referred to the Judiciary I Committee for further consideration. This was done by a unanimous vote.

Representative Carpenter asked Dick Hamilton, Assistant Director of the Wildlife Commission, about the white tail deer population in North Carolina. His question was prompted by the large number of automobile/deer accidents. Mr. Hamilton said that a study had been done on this and that the results of the study would be provided to each member of the committee at its next meeting.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

VISITOR REGISTRATION SHEET

DATE 4/7/99

[illegible]

MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

April 7, 1999

The House Committee on Wildlife Resources met on Wednesday, April 7, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Goodwin, Sexton and Smith.

After calling the meeting to order, Representative Gulley recognized the Pages and had them introduce themselves to the committee.

First on the agenda was House Bill 531, Lee Hunting Regulation. A committee substitute was presented and considered in lieu of the original bill. The bill was sponsored by Representative Cox, and he explained the bill to the committee. Representative Buchanan made a motion that the committee adopt the committee substitute (identical to the Senate bill) and give it a favorable report with an unfavorable report to the original bill. His motion passed unanimously.

House Bill 541, Buoy Fishing/Special Fishing Device, sponsored by Representative Mitchell, was next on the agenda, and Representative Mitchell explained the bill. Representative Buchanan made a motion that the bill be given a favorable report and re-referred to the Finance Committee, and such was done by a unanimous vote.

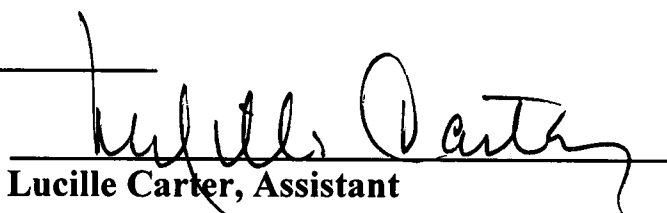
House Bill 237, Boat Agent Fees, was considered next. This is an agency bill, so Dick Hamilton, Assistant Director of the Wildlife Resources Commission, explained the bill. Representative Buchanan made a motion that the bill be given a favorable report and re-referred to the Finance Committee. This, too, was given a favorable report.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

WILDLIFE RESOURCES COMMITTEE

A G E N D A

Wednesday, April 14, 1999

Room 424 – LOB

12:00 Noon

CALL TO ORDER - Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED. . .

HB 389 – Moore Deer Hunting

HB 236 – License Suspension/Baiting

ADJOURNMENT

*** * * * ***

[illegible]

MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

April 14, 1999

The House Committee on Wildlife Resources met on Wednesday, April 14, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Carpenter, Goodwin, Melton, Sexton and Smith.

After calling the meeting to order, Representative Gulley recognized the Pages and had them introduce themselves to the committee.

First on the agenda was House Bill 389, Moore Deer Hunting, introduced by Representative Morgan. Per Representative Morgan's request, discussion of this bill was postponed.

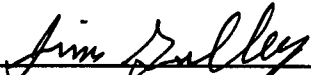
House Bill 236, License Suspension/Baiting, was discussed next. This was an agency bill and was introduced by Representative Gulley. A committee substitute was presented (no longer an agency bill, but supported by the Wildlife Resources Commission), and was explained by Representative Gulley. Representative Smith made a motion that the committee substitute be adopted, and the motion carried. After some discussion, Representative Carpenter moved that a favorable report be given to the committee substitute, with an unfavorable report to the original bill. This passed unanimously.

Some discussion followed about present laws which prevent frog gigging, pigeon shoots and even the killing of rats. It was suggested that the committee take a look at this, and Barbara Riley, the staff attorney, was directed to bring pertinent information to the next meeting.

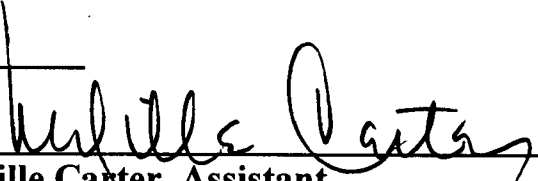
Representative Carpenter suggested looking into the wildlife officers' pay scale and, perhaps, drafting a bill to attend to this. Again, Barbara Riley was requested to draft such a bill.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

WILDLIFE RESOURCES COMMITTEE

A G E N D A

Wednesday, April 21, 1999

Room 424 – LOB

12:00 Noon

CALL TO ORDER - Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED. . .

SB 391 – Moore Deer Hunting

HB 1137 – Sunday Hunting

HB 1209 – Personal Watercraft Safety

ADJOURNMENT

* * * * *

VISITOR REGISTRATION SHEET

Wildlife Resources Committee Wednesday, April 21, 1999 12:00 p.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY |
|------------------------------|------------------------------|
| 1. <u>Norman Young</u> | <u>NC AGG Office</u> |
| 2. <u>Dick Hamilton</u> | <u>WILDLIFE</u> |
| 3. <u>Barb Rote</u> | <u>wildlife</u> |
| 4. <u>Wahyland</u> | <u>Capital Group</u> |
| 5. <u>Robert W. Hendrix</u> | <u>NCWRC</u> |
| 6. <u>Ed Jenkins</u> | <u>NCWRC</u> |
| 7. <u>Carl Berntsen</u> | <u>Coast Guard Auxiliary</u> |
| 8. <u>Bill Draper</u> | <u>USCG Aux</u> |
| 9. <u>Herbert Stephenson</u> | <u>City of Mebane</u> |
| 10. <u>Robert J. Brown</u> | <u>City of Mebane</u> |
| 11. _____ | _____ |
| 12. _____ | _____ |
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MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

April 21, 1999

The House Committee on Wildlife Resources met on Wednesday, April 21, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were present: Chairman Jim Gulley, Representatives Buchanan, Braswell, Carpenter, Goodwin, Melton, Sexton and Smith.


After calling the meeting to order, Representative Gulley recognized the Pages and had them introduce themselves to the committee.

First on the agenda was House Bill 1137, Sunday Hunting, sponsored by Representative McComas. A committee substitute was put before the committee, and, upon motion by Representative Buchanan, it was accepted. Several amendments were proposed, and Representative Braswell made a motion that the bill be removed from the agenda until the amendments could be properly drawn. This was agreeable with the sponsor and the committee members.

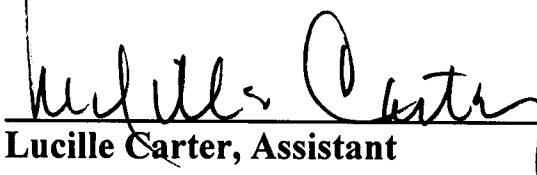
House Bill 1209, Personal Watercraft Safety, was next on the agenda. Representative Preston, its sponsor, explained the bill to the committee. A number of amendments were proposed and accepted, but time did not permit the committee to act on the bill. It was suggested that a short meeting be held the next day to vote on this bill, as well as HB 1137.

The meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

WILDLIFE RESOURCES COMMITTEE

A G E N D A

Thursday, April 22, 1999

Room 605 – LOB

30" After Session

CALL TO ORDER - Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED. . .

HB 1137 – Sunday Hunting

HB 1209 – Personal Watercraft Safety

ADJOURNMENT

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MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

April 22, 1999

The House Committee on Wildlife Resources met on Thursday, April 22, 1999, thirty (30) minutes after session in Room 605 of the Legislative Office Building. The following members were present: Representatives Buchanan, Carpenter, Melton and Sexton.


Representative Sexton presided in Chairman Gulley's absence. There were no Pages.


On Mr. Buchanan's motion, the committee substitute for House Bill 1137, Sunday Hunting, was adopted. Representative McComas, its sponsor, explained the bill to the committee and answered questions. No action was taken on the bill.

Representative Preston explained her House Bill 1209, Personal Watercraft Safety, to the committee, and, likewise, answered questions. Representative Buchanan made a motion that the bill be given a favorable report and be re-referred to the Ways and Means Committee. This was done by a unanimous vote.

The meeting was adjourned.

Respectfully submitted. . .


Wayne Sexton, Presiding Chairman


Lucille Carter, Assistant

W I L D L I F E R E S O U R C E S C O M M I T T E E

A G E N D A

Wednesday, May 19, 1999

Room 424 – LOB

12:00 Noon

CALL TO ORDER - Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED. . .

SB 323 - Waterfowl License Changes

SB 391 - Moore Deer Hunting

ADJOURNMENT

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MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

May 19, 1999

The House Committee on Wildlife Resources met on Wednesday, May 19, 1999, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were present: Chairman Jim Gulley and Representatives Buchanan, Carpenter, Goodwin, Melton and Thompson.


After calling the meeting to order, Representative Gulley recognized the Pages and had them introduce themselves to the committee.

First on the agenda was Senate Bill 323, Waterfowl License Changes. This bill was sponsored by Senator Kerr, and he explained the bill to the committee. Representative Buchanan made a motion that the bill be given a favorable report and re-referred to the Committee on Finance. The committee voted unanimously to do so.

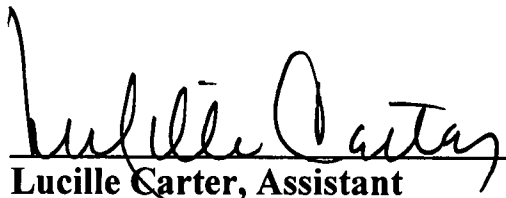
Senate Bill 391, Moore Deer Hunting, was discussed next. This bill was sponsored by Senator Kinnaird, and she explained the bill to the committee. Representative Buchanan made a motion that this be given a favorable report and re-referred to the Finance Committee, and the committee concurred unanimously.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

WILDLIFE RESOURCES COMMITTEE

A G E N D A

Wednesday, June 7, 2000

Room 424 – LOB

12:00 Noon

CALL TO ORDER - Rep. Jim Gulley, Chairman

**INTRODUCTION OF NEW MEMBERS - Rep. Jimmie Ford
Rep. Roger West**

INTRODUCTION OF PAGES

BILLS TO BE CONSIDERED. . .

HB1507 - (Identical to SB1224)

**An Act to Repeal the Prohibition on Leg-Gripping Traps
In Duplin County.**

**HB1659 - An Act to Establish a No-Wake Speed Zone in Gallant's
Channel near Radio Island in Carteret County.**

ADJOURNMENT

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MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

June 7, 2000

The House Committee on Wildlife Resources met on Wednesday, June 7, 2000, at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Melton, Sexton, Smith, Thompson and West, a new member.

After calling the meeting to order, Representative Gulley introduced Representative West, who was appointed to fill the unexpired term of Representative Carpenter. Also, the Pages introduced themselves and told where they were from and the schools they attended.


First on the agenda was House Bill 1659, Carteret No-Wake Zones, introduced by Representatives Smith & Preston. Representative Buchanan made a motion that the committee substitute be adopted and considered. This being approved, Representative Smith explained the bill. Representative Buchanan made a motion that the committee substitute be given a favorable report, and this passed unanimously.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant

W I L D L I F E R E S O U R C E S C O M M I T T E E

A G E N D A

Wednesday, June 14, 2000

Room 424 – LOB

12:00 Noon

CALL TO ORDER - Rep. Jim Gulley, Chairman

INTRODUCTION OF PAGES

BILL TO BE CONSIDERED. . .

HB1507 - (Identical to SB1224)

**An Act to Repeal the Prohibition on
Leg-Gripping Traps in Duplin County.**

ADJOURNMENT

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VISITOR REGISTER

Wildlife Resources

Name of Committee

b-14-aw
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

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MINUTES
HOUSE WILDLIFE RESOURCES COMMITTEE

June 14, 2000


The House Committee on Wildlife Resources met on Wednesday, June 14, 2000 at 12:00 Noon in Room 424 of the Legislative Office Building. The following members were in attendance: Chairman Jim Gulley, Representatives Buchanan, Ford, a new member, Melton, Sexton, Smith and West.

After calling the meeting to order, Representative Gulley introduced Representative Ford, who was appointed to fill the unexpired term of Representative Braswell. Also, the Pages introduced themselves, told where they were from and the schools they attended.


First on the agenda was House Bill 1507, Duplin/Repeal Trap Prohibition, introduced by Representatives Tucker and Ford. Representative Ford made a motion that the bill be given a favorable report, and this passed unanimously.

There being no further matters before the committee, the meeting was adjourned.

Respectfully submitted. . .



Jim Gulley, Chairman



Lucille Carter, Assistant