

2009-2010

**HOUSE
WILDLIFE RESOURCES**

MINUTES



**North Carolina House of Representatives
Wildlife Resources Committee**

2009-2010 Session

**Representative Arthur Williams
Chair**

**Staff
Barbara Riley
Susan Sitze**

**Committee Assistant
Pamela J. Evans**

North Carolina General Assembly
Through House Committee on
Wildlife Resources

Date: 07/22/2010
Time: 10:07
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2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	Leg. Day: H-151/S-148	In Date	Out Date
H0039=	Wray	REQUIRE BOATING SAFETY EDUCATION.	H Re-ref Com On Judiciary III		02-12-09	03-11-09
197	Killian	ACTIVE DUTY HUNTING/ FISHING LICENSE EXEMPTION.	HR Ch. SL 2009-25		02-11-09	03-11-09
H0105=	Wainwright	CLARIFY INTERSTATE WILDLIFE VIOLATOR COMPACT.	HR Ch. SL 2009-15		02-11-09	03-11-09
H0406=	Justus	WEST. JUST. ACAD./ WILDLIFE RES. FIRING RANGE.	*HR Ch. SL 2009-449		05-06-09	05-07-09
H0529=	Tolson	EDGEcombe/NO HUNTING ON THE LAND OF ANOTHER.	*H Ref To Com On Rules and Operations of the Senate		03-11-09	04-01-09
H0551	Dockham	DAVIDSON/TAKING OF FOXES.	HR Ch. SL 2009-43		03-12-09	03-25-09
H0617	Allen	DISABLED SPORTSMEN/ ATV EXCEPTION.	*H Pres. To Gov. 7/8/ 2010		06-30-10	07-07-10
H0626	Yongue	RESTRAINING OF DOGS.	H Ref to the Com on Wildlife Resources, if favorable, Judiciary II, if favorable, Appropriations		03-18-09	
H0767	Wainwright	CRAVEN ROAD HUNTING.	*HR Ch. SL 2009-116		05-07-09	05-11-09
H0857	Lucas	BALLISTICS STANDARDS/ TAKING BIG GAME.	*HF Failed 2nd Reading		03-30-09	04-08-09
H0888	Spear	COUNTY BOW HUNTING/ MINERAL RIGHTS.	*HR Ch. SL 2009-77		04-13-09	04-22-09
198	Allen	NO KILLING OF GRASS CARP.	*HR Ch. SL 2009-261		03-31-09	04-08-09
H0921	Braxton	WASHINGTON DEANNEXATION/DARE TRAPPING.	*HR Ch. SL 2009-469		04-01-09	04-22-09
H0969	Crawford	GRANVILLE/REGISTERED LAND.	HR Ch. SL 2009-118		04-02-09	04-22-09
H0970	Crawford	GRANVILLE COUNTY HUNTING.	*HR Ch. SL 2009-45		04-22-09	05-06-09
H1076=	Wiley	BLADEN FOX HUNTING.	*H Ref To Com On Wildlife Resources		06-21-10	
H1118	Haire	STANDARDIZE WILD BOAR SEASONS/SWINE STUDY.	*HR Ch. SL 2009-89		04-07-09	04-30-09
H1253=	Harrell	PROHIBIT PENNING OF WILDLIFE.	H Ref to the Com on Wildlife Resources, if favorable, Finance		04-09-09	
H1295	Stewart	REGULATE HUNTING FROM VESSEL.	H Ref to the Com on Wildlife Resources, if favorable, Judiciary III		04-09-09	
H1419	Cleveland	BAT PROTECTION ACT.	*HR Ch. SL 2009-219		04-13-09	05-06-09
H1428	Lewis	TAKING DEER WITH DOGS.	H Ref to the Com on Wildlife		04-13-09	

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

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Wildlife Resources

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Leg. Day: H-151/S-148

2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			Resources, if favorable, Judiciary III		
31	Faison	COYOTE NUISANCE REMOVAL LRC.	*H Re-ref Com On Finance	05-07-09	06-03-09
H1662=	Tarleton	ASHE FOX TRAPPING.	H Re-ref Com On Wildlife Resources	05-26-10	
H1696	Tarleton	WATAUGA/SUNDAY BOW HUNTING EXEMPTION.	*HF Reptd Unfav	05-27-10	06-09-10
H1773=	Tucker	DUPLIN FOX TRAPPING.	H Ref To Com On Wildlife Resources	05-19-10	
H1824	Williams	COYOTE CONTROLS.	*H Pres. To Gov. 7/9/2010	05-19-10	06-09-10
H1893	Womble	W-S/ASHE FOX TRAPPING/GREENE HUNTING.	*HR Ch. SL 2010-82	05-20-10	06-09-10
H1893	Womble	W-S/ASHE FOX TRAPPING/GREENE HUNTING.	*HR Ch. SL 2010-82	07-07-10	07-08-10
H2058=	Cole	ROCKINGHAM/HUNTING ON PRIVATE LAND.	H Ref To Com On Wildlife Resources	05-27-10	
H2063	Sager	WAYNE FOX TRAPPING.	H Re-ref Com On Rules, Calendar, and Operations of the House	05-27-10	06-02-10
S0043=	Ed Jones	REQUIRE BOATING SAFETY EDUCATION.	*HR Ch. SL 2009-282	05-07-09	05-27-09
S0307	Ed Jones	REGULATE OWNERSHIP & USE OF CERTAIN REPTILES.	*HR Ch. SL 2009-344	05-18-09	06-03-09
S0499=	Clark Jenkins	EDGECOMBE/NO HUNTING ON THE LAND OF ANOTHER.	*HR Ch. SL 2009-22	04-07-09	04-29-09
107	Ed Jones	PUBLIC SAFETY REGISTRATION.	*H Ref to the Com on Wildlife Resources, if favorable, Finance	07-06-09	
S1008	A. B Swindell	ANTLERLESS DEER TAG FEE.	HR Ch. SL 2009-214	05-11-09	05-27-09
S1009	A. B Swindell	HUNTING LICENSE EXEMPTION FOR SPECIAL EVENTS.	HR Ch. SL 2009-248	05-11-09	05-27-09
S1010	A. B Swindell	MIGRATORY GAME BIRD SEASON AUTHORITY.	*HR Ch. SL 2009-221	05-11-09	05-27-09
S1011	A. B Swindell	AMEND TRAP SIZES.	*HR Ch. SL 2009-120	05-11-09	05-27-09
S1130=	Steve Goss	ASHE FOX TRAPPING/GREENE HUNTING.	*H Re-ref Com On Wildlife Resources	06-30-10	
S1345=	Don Vaughan	GREENSBORO/RELOCATION OF WILDLIFE.	*H Re-ref Com On Wildlife Resources	06-30-10	

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Bills Heard in Wildlife Committee**2009 Session**

Bill	Short Title	Mtg. Date	Action by Committee
H39 (= S43)	Require Boating Safety Education.	03/11/2009	Favorable Report/Re-ref Com On Judiciary III
H97	Active Duty Hunting/Fishing License Exemption.	03/11/2009	Favorable Report/Re-refer Com on Finance
H105 (= S106)	Clarify Interstate Wildlife Violator Compact.	03/11/2009	Favorable Report/Re-refer Com Marine Resources & Aquaculture
H406 (= S401)	West. Just. Acad./Wildlife Res. Firing Range.	05/06/2009 &5/06/2009	Favorable Report/Re-refer Com on Appropriations
H529 (= S499)	Edgecombe/No Hunting on the Land of Another.	03/25/2009 &4/01/2009	Favorable Report as to Com Sub, unfavorable to original bill
H551	Davidson/Taking of Foxes.	03/25/2009	Favorable Report
H767	Craven Road Hunting.	05/07/2009	Favorable Report
H857	Minimum Caliber of Rifles for Taking Big Game.	04/08/2009	Favorable Report/Re-refer Com On Judiciary III
H888	County Bow Hunting/Mineral Rights.	04/22/2009	Favorable Report as to Com Sub Bill #2, which changes the title, unfavorable as to Com Sub #1
H898	No Killing of Grass Carp.	04/08/2009	Favorable Report/Re-refer Com on Marine Resources and Aquaculture
H921	Lenior Fox Trapping.	04/22/2009	Favorable Report/Re-refer Com on Local Government II
H969	Granville/Registered Land.	04/22/2009	Favorable Report/Re-refer Com on Judiciary II
H970	Granville County Hunting.	04/29/2009 &5/06/2009	Favorable Report as to Com Sub 3, unfavorable as to Com Sub Bill 2
H1118	Standardize Wild Boar Seasons/Swine Study.	04/22/2009 &4/29/2009	Favorable Report as to Com Sub, which changes the title, unfavorable as to original bill
H1419	Bat Protection Act.	05/06/2009	Favorable Report as to Com Sub, which changes the title, unfavorable as to original bill and recommendation comm. Sub be re-referred to Com n Ways and Means/Broadband Connectivity
H1631	Coyote Nuisance Removal LRS.	06/03/2009	Favorable Report as to Com Sub, which changes the title, unfavorable as to original bill/Re-ref to Com on Finance
S43 (= H39)	Require Boating Safety Education.	05/27/2009	Favorable Report/Re-refer to Com on Judiciary III
S307	Regulate Ownership & Use of Certain	06/03/2009	Favorable Report, as amended/Re-refer to Com on Environment and

	Reptiles.		Natural Resources
S499 (= H529)	Edgecombe/No Hunting on the Land of Another.	04/22/2009 &4/29/2009	Favorable Report
S807	Public Safety Registration.	07/06/2009	Com on Wildlife Resources, if favorable, Finance
S1008	Antlerless Deer Tag Fee.	05/27/2009	Favorable Report/Re-refer to Com on Finance
S1009	Hunting License Exemption for Special Events.	05/27/2009	Favorable Report/Re-refer to Com on Finance
S1010	Migratory Game Bird Season Authority.	05/27/2009	Favorable Report/Re-refer to Com on Judiciary III
S1011	Amend Trap Sizes.	05/27/2009	Favorable as to House Com Sub, unfavorable as to Senate Com Sub Bill 1/Re-refer to Com on Judiciary III

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Roster as of 07/01/09

MEMBERS	ASSISTANT	PHONE	OFFICE	SEAT
WILLIAMS, Arthur, Chair	Pam Evans	733-5906	637	22
CLEVELAND, George, Vice-Chair	Susan West Horne	715-6707	504	110
STEEN, Fred, Vice-Chair	Chris Floyd	733-5881	514	37
WEST, Roger, Vice-Chair	Linda Johnson	733-5859	1004 LB	50
WRAY, Michael, Vice-Chair	Mary Capps	733-5662	405 LOB	60
BRISSON, William	Caroline Stirling	733-5772	1325 LB	78
COLE, Nelson	Linda Laton	733-5779	1218 LB	45
GULLEY, Jim	Brian Lehrschall	733-5800	1319	114
ILER, Frank	Carla Farmer	301-1450	306A2 LOB	15
INGLE, Dan W.	Deborah Holder	733-5905	1019 LB	63
LOVE, Jimmy	Sylvia Nygard	715-3026	305	23
LUCAS, Marvin	Thelma Utley	733-5775	1323	20
MCLAWHORN, Marian	Susan Burleson	733-5757	1217 LB	34
RHYNE, Johnathan	Pat Stussie	733-5782	1323 LB	51
SPEAR, Timothy	Lona Hallissy	715-3029	402 LOB	36
STAFF: Barbara Riley (Research) Susan L. Sitze (Research)		733-2578 733-2578	200E 200J	

**NORTH CAROLINA GENERAL ASSEMBLY
WILDLIFE RESOURCES COMMITTEE**

2009-2010 SESSION



Rep. Arthur Williams
Chairman



Rep. George G. Cleveland
Vice Chair



Rep. Fred F. Steen, II
Vice Chair



Rep. Roger West
Vice Chair



Rep. Michael H. Wray
Vice chair



Rep. William D. Brisson



Rep. Nelson Cole



Rep. Jim Gulley



Rep. Frank Iler



Rep. Dan W. Ingle



Rep. Jimmy L. Love, Sr.



Rep. Marvin W. Lucas



Rep. Marian N. McLawhorn



Rep. Johnathan Rhyne, Jr.



Rep. Timothy L. Spear

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LOVE, Jimmy	Sylvia Nygard	715-3026	305	23
LUCAS, Marvin	Thelma Utley	733-5775	1323	20
MCLAWHORN, Marian	Susan Burleson	733-5757	1217 LB	34
RHYNE, Johnathan	Pat Stussie	733-5782	1323 LB	51
SPEAR, Timothy	Lona Hallissy	715-3029	402 LOB	36
STILLER, Bonner- <i>Resigned 6/15/09</i>	Carla Farmer	301-1450	306A2 LOB	15
STAFF: Barbara Riley (Research) Susan L. Sitze (Research)		733-2578 733-2578	200E 200J	

**NORTH CAROLINA GENERAL ASSEMBLY
WILDLIFE RESOURCES COMMITTEE**

2009-2010 SESSION



**Rep. Arthur Williams
Chairman**



**Rep. George G. Cleveland
Vice Chair**



**Rep. Fred F. Steen, II
Vice Chair**



**Rep. Roger West
Vice Chair**



**Rep. Michael H. Wray
Vice chair**



Rep. William D. Brisson



Rep. Nelson Cole



Rep. Jim Gulley



Rep. Jimmy L. Love, Sr.



Rep. Marvin W. Lucas



Rep. Marian N. McLawhorn



Rep. Johnathan Rhyne, Jr.



Rep. Timothy L. Spear



Rep. Bonner Stiller - Resigned 6/15/09



NORTH CAROLINA GENERAL ASSEMBLY

Legislative Services Office

George R. Hall, Legislative Services Officer

Research Division

300 N. Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

Kory Goldsmith
Interim Director

February 13, 2009

The Honorable Arthur Williams, Chair
Committee on Wildlife Resources
North Carolina House of Representatives
300 North Salisbury Street, Room 637
Raleigh, NC 27603-5925

Dear Representative Williams:

I have asked Ms. Barbara Riley and Ms. Susan Sitze, with the Research Division, to serve as co-counsel to the Committee on Wildlife Resources, which you chair. They will attend the meetings of the Committee when it convenes on Wednesdays at noon. In accordance with the Committee's directions as expressed through the Chair, they will aid in analyzing proposed legislation and drafting amendments and committee substitutes. They will staff several other committees, as well.

My best wishes to you and the Committee in its work. If I can be of any service to you or the Committee, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Kory J. Goldsmith".

Kory J. Goldsmith
Interim Director of Research

KJG/lba

cc: Hon. Joe Hackney, Speaker
Mr. George Hall
Mr. Walker Reagan
Ms. Barbara Riley
Ms. Susan Sitze
Mr. Brian Peck
Ms. Christy Henson

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

**Wednesday, February 25, 2009
Room 415 LOB
12:00 Noon**

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

SPEAKERS

**Wes Seegars, Chairman and
Gordon Myers, Executive Director of the
North Carolina Wildlife Commission**

ADJOURNMENT

***Please note that no bills will be considered at this meeting**

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, March 11, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

- H39 Require Boating Safety Education – Reps. Wray, Wilkins, Williams, and Faison**
- H97 Active Duty Hunting/Fishing License Exemption – Reps. Killian, Sager, McElraft and Guice**
- H105 Clarify Interstate Wildlife Violator Compact – Rep. Wainwright**

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, March 25, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

**HB 529 Edgecombe/No Hunting on the Land of Another – Reps. Tolson and
Farmer-Butterfield**

HB 551 Davidson/Taking of Foxes – Rep. Dockham

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 1, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

**HB 529 Edgecombe/No Hunting on the Land of Another – Reps. Tolson and
Farmer-Butterfield**

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 8, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

H857 Minimum Caliber of Rifles for Taking Big Game – Rep. Lucas

H898 No Killing of Grass Carp – Reps. Allen, Wray, Bryant and Crawford

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 22, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

H921 Lenoir Fox Trapping – Reps. Braxton and Dockham

H969 Granville/Registered Land – Rep. Crawford

H1118 Standardize Wild Boar Seasons – Reps. Haire, West and Rapp

S499 Edgecombe/No Hunting on the Land of Another – Sen. Jenkins

H888 County Bow Hunting – Rep. Spear

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 29, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

H970 Granville County Hunting – Rep. Crawford

H1118 Standardize Wild Boar Seasons – Reps. Haire, West and Rapp

S499 Edgecombe/No Hunting on the Land of Another – Sen. Jenkins

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, May 6, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

H970 Granville County Hunting – Rep. Crawford

H1419 Bat Protection Act – Reps. Cleveland, Lucas and Gulley

**H406 West. Just. Acad./Wildlife Res. Firing Range – Rep. Justus (for discussion
purposes only)**

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Thursday, May 7, 2009

Room 424 LOB

15 mins. after Session

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

**H406 West. Just. Acad./Wildlife Res. Firing Range – Rep. Justus
H767 Craven Road Hunting – Reps. Wainwright and Underhill**

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday May 27, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

SB43	Require Boating Safety Education – Senator Jones
SB1008	Antlerless Deer Tag Fee – Senator Swindell
SB1009	Hunting License Exemption for Special Events – Senator Swindell
SB1010	Migratory Game Bird Season Authority – Senator Swindell
SB1011	Amend Trap Sizes – Senator Swindell

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday June 3, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

HB1631	Coyote Nuisance Removal Program – Representative Faison
SB307	Regulate Ownership & Use of Certain Reptiles – Senator Jones

ADJOURNMENT

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday August 5, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

SB807 Public Safety Registration – Senator Ed Jones

ADJOURNMENT



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, February 25, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, February 25, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Roger West, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Lucas, McLawhorn, Rhyne, Spear, and Stiller. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitor Registration Sheet (Attachments II and III).

Representative Williams, presiding, called the meeting to order at 12:05 p.m. and welcomed the visitors. Chair Williams recognized Barbara Riley, the legislative counsel for the committee and Pam Evans, clerk for the committee. Chair Williams also recognized Sgt.-in-Arms: Dusty Rhodes, Martha Parrish and Tom Wilder; and pages: Samantha McAbee from McDowell County sponsored by Rep. Mitch Gillespie and Chris Jackson from Guilford County sponsored by Rep. John Blust.

Chair Williams then recognized members of the North Carolina Wildlife Commission: Wes Seegers, Chairman; Steve Windham, Vice Chair; Gordon Myers, Executive Director; and Mallory Martin, Chief Deputy. Also recognized were Dr. David Cobb, Wildlife Management Division and Bob Curry, Inland Fisheries Division Chief.

Chair Williams announced no bills would be heard today in committee. Wes Seegers and Gordon Myers from the Wildlife Commission would address the Committee regarding public hearings, the way the Commission approached rules, and how they dealt with the public. Chair Williams called upon Wes Seegers.

Wes Seegers thanked the committee for allowing him to address the committee. Mr. Seegers stated the North Carolina Wildlife Commission consisted of 9 districts with 19 commissioners. Eleven of the commissioners are appointed by the Governor, 4 by President Pro Tem Basnight and 4 by Speaker Hackney. The rest of the commissioners are at-large.

Mr. Seegars reported the commissioners bring their concerns or issues to Dr. David Cobb or Bob Curry for the staff to review. The staff reviews those concerns and they are researched before being assigned to a committee. To provide more input from the public and to let the public see how the Commission operated, the Commission for the first time this year opened up some of the big game committee hearings to constituency groups such as bow hunters. The committees then come up with recommendations that are taken to public hearings. Nine public hearings were then held across the state, at which over 3,000 people attended. At the public hearings people were given the opportunity to speak and verbalize their concerns for or against a specific proposal. The public also had the ability to write their concerns on a card and they were collected for review. Also, for the first time, the Commission opened up the internet for comments. The rule changes are posted on the Wildlife Commission's website and they are easily accessible.

Mr. Seegars stated that a public hearing booklet was produced with approximately 80 rule changes or modifications and to be fiscally responsible only one book was printed this year. In addition, each commissioner was provided with a copy of a disk containing public comments. This provided a commissioner the opportunity to review comments on a specific issue and to look at it in terms of whether it was unique or the concern was in their particular district or if it was concern across the state. Another meeting the day before the commission meeting next month to review with any staff members any additional concerns before the commissioners vote at the meeting scheduled for March 4, 2009. The Commissioners vigorously have reviewed, discussed and debated each of rule as they considered staff and public input.

Mr. Seegars reported there were four or five issues considered by the commissioners. Biology was certainly the greatest factor and at least 50%, if not more, of the determining factor in making rule changes. Hunter satisfaction, the political aspects of it or the economical aspects were also important factors. Wildlife in hunting and fishing represented \$1.7 billion worth of revenue to North Carolina.

Mr. Seegars stated that each commissioner took their job very seriously and of the 9 public hearings he attended four. At every public hearing there were anywhere from 4 to commissioners who in some cases traveled several hours away from their homes at night, did not get back home until 1 or 2:00 in the morning to make sure that they saw and heard the concerns of the general public.

Rep. Williams recognized Rep. Love for a question. Rep. Love, who lives in Sanford, stated that one of the complaints he received was every year the hearing were held in Alamance County. He asked why the meetings could not be rotated. Wes Seegars replied that the Commission was looking into rotating some of them a little more; however, the Commission tried to schedule meetings geographically in central locations, if possible.

Rep. Williams recognized Rep. Lucas. Rep. Lucas observed that the number of deer crashes had increased and there was also a problem with coyotes. Mr. Seegars stated that coyotes were a tough problem. They had spread from the southwest and were moving all over the country. The Commission had considered different ways of controlling the coyote

program short of putting a bounty on them. While one of the most effective ways of hunting coyotes was to hunt them at night to reduce the populations, people with lights out hunting deer would claim, if stopped, they were coyote hunting. It was a tough call and coyotes were clever animals. Mr. Seegars stated that he was sure coyotes living within the city limits of Raleigh, just like deer. As to the question about overpopulation of deer, the Commission recognized the problem and was working to bring that number down. Some of the rules changes made this year would try to accomplish two things: (1) bring deer herd down and (2) provide greater hunter satisfaction through greater opportunity to take more animals. One of the things the Commission did last year was to issue additional doe tags for free. There were 28,000 additional doe tags issued last year in order to decrease the population. The deer population in NC is around 1 or 1.2 million deer. Another program that Commission has been working on was the urban archery season. The reason for the urban archery season was the Commission did not want anyone discharging firearms in close or densely populated areas. The Wildlife Commission worked with a lot of cities and communities where bow hunters could actually hunt within the city limits. However, the biggest problem was infrastructure, roads and hospitals. In the future, the Wildlife Commission would have some real challenges with deer overpopulation resulting in the continuance of deer collisions. Mr. Seegars did not have an exact figure, but believed there were approximately 18,000 collisions last year that involved deers in North Carolina. He then thanked the committee and offered any assistance needed to members.

Rep. Williams stated that it is his practice to involve the committee members in any concerns with bills. He also reviewed all proposed bills with Gordon Meyers, Director of the Wildlife Commission to insure that bill before the committee was endorsed by the Wildlife Commission. Chair Williams felt it was the goal of the committee to pass good legislation.

Wes Seegars responded that every time the legislature was in session the Commission received a surprise a phone call that a representative or senator had introduced a bill that changed the season on squirrel hunting or rabbit hunting or whatever and the Commission did not know a thing about it. Literally, it changed the season, changed the limits or whatever. Sometimes the Commission needed to work on bills because it had a biological impact. Mr. Seegars implored the committee to help the Commission divert that by making them aware of what was happening. He stressed that surprises were not always good. Mr. Seegars further stated that Chair Williams tried to help the Commission with those surprises. For example, last session someone run a bill to change the deer season. The problem was people run dogs in North Carolina so you cannot have the deer season overlapping the trapping season. You would have people out there with traps catching your \$5,000 dog. It becomes a very serious problem when you go changing dates. Mr. Seegars thanked the committee again.

Chair Williams introduced Gordon Myers.

Gordon Myers presented members with a package of information (Attachment IV). He stated that the boating access program was a statewide program. Over the last few years the targeted focus had been on the coast due to the issues with population growth and

because there is a whole different network of access on the coast. In the Piedmont and the West there were utility companies or the Army Corp of Engineers on lakes that partnered with the Wildlife Commission. Boating access by boat ramps or other public access to the waterfront had been planned into lakes. However, on the coast there were a variety of nodes of access. Mr. Myers pointed out that several years ago the General Assembly approved an increase in motor boat registration fees that had been tremendously valuable to the Wildlife Commission in meeting their needs and expanding the access program. In addition, certificate of participation funds were made available to the Marine Fisheries Division that enabled the Wildlife Commission to partner it with the motor boat registration fees. Those funds went into land acquisition along with funds from the Division of Coastal Management, Water Resources, Parks and Recreation and local units of governments to secure land and to provide capital investment. Gordon Myers stated that historically the Wildlife boat ramps were designed and intended for use by recreational boaters. Their design did not provide offloading for anything commercial. For instance, if you were a crabber or a clammer there was no space to offload. By using these other funding sources the Wildlife Commission was able to expand these opportunities, as well as have other types of access, such as fishing piers. It had been a great program enhancement as a result of that change. Mr. Myers thanked the committee again for approving the increase in motor boat registration fees.

Mr. Myers stated that Chairman Williams had also requested an update on the Mattamuskeet Lodge. Several years ago, the General Assembly appropriated re-recurring funds to repair and renovate the lodge. The lodge is located in Hyde County and is an icon in eastern North Carolina. It had a great history and was a historical landmark. It was known as the Canadian goose hunting capital of North America. However, it was originally one of the world's largest pumping facilities. It was built with the intention of draining the lake and creating an agricultural oasis. Over time that venture failed and the pumping station was converted into a lodge facility. The lodge operated for many, many years and became part of Mattamuskeet Natural Wildlife Refuge. When the lodge fell into disrepair, Wildlife Refuge did not have funds to maintain it. It was structurally condemned. The State has taken ownership of the lodge now and begun restoration. The project was broken into three phases. The first phase was selective demolition and hazardous material abatement. All that work has been completed. The selective demolition was added to discover any hidden conditions that might be seen in future phases in order to limit exposure to contractor claims for hidden conditions. The second phase was structural rehabilitation. Funding of \$1.6 million was made available to get underway and Barnhill Construction, the construction management on the project, has put out a bid package. Bids are currently being accepted. The next phase would be to finish the building after construction rehabilitation. After completion, the big question will be what happens next because it has such great meaning to the community. The Wildlife Commissions has tried to work closely with the community, including meetings with the chamber of commerce, county commissioners and a number of citizens in Hyde County by listening to their needs and their fears. Some of the restaurant/hotel owners expressed concerns about what might happen to them. The Wildlife Commission's job is to figure out how to make it be much more than just a wildlife education center. The project has the potential to be a model for eco-tourism.

Mr. Myers stated that the Wildlife Commission was a receipt based agency. (Attachment V). One of greatest challenges was retaining a substantial funding model to continue to provide the services and infrastructure needed to meet the Commission's mission. The North Carolina Wildlife Commission was established in 1947 by act of the General Assembly and charged with regulating and managing hunting, fishing, trapping and boating. Since inception, the Commission has seen restoration of the wild turkey population, stripe bass population has stabilized, there has been a return of bald eagles to our skies, and more than 2 million acres of wildlife habitat has been conserved. The Commission also provided more and more opportunities for fishing, hunting and for other wildlife related activities throughout the state. The one thing essential to carry out the Wildlife Commission's mission was to balance cultures and traditions with scientific data. Over the past several decades, new research, technology and management principals have provided the basis for sustaining all of the state's wildlife, as well as other natural resources. There are more than one million hunters and anglers. Boaters and other outdoor enthusiasts quickly doubled that figure. North Carolina men and women are also an economic force. A recent report from the Congressional Sportsmen's Foundation stated that hunters and anglers alone in North Carolina contribute in excess of \$1.7 billion in direct retail sales. On a daily basis, that is \$5 million per day spent on hunting and fishing alone. Mr. Myers pointed out that in the current fiscal year, hunting and fishing license sales were slightly up. Hunting specifically rose which was a reverse in the trend and the Commission was not certain of the cause. Perhaps more people are trying to meet subsistence or turning to recreation that had great meaning to them in a time of great stress. Either one was important.

Mr. Myers stated that Marine and Wildlife Resources in the State belonged to the people as a whole. The citizens have a right to navigate, swim, hunt, fish, and to enjoy all state's recreational activities. The Wildlife Commission planned to look for new models to deliver services to our next generation and also consider other things such as habitat change. Habitat changes could be significant. They are influenced by unprecedented population growth, as well as other environmental factors such as global climate change. As the population grows, so will the infrastructure need across the state. North Carolina went from a rural state to a rural majority state to a suburban and urban majority state. North Carolina between 1990 and 2002 lost more than 1 million acres of forest land. From 1990 to 2002 seven NC counties lost more than 20% of forest land. Also since 1990 NC lost 900,000 acres of farmland and 14,000 farms. Those are big changes and they are continuing. Mr. Myers stated that all those changes were interrelated to the Wildlife Commission's mission and development of a strategic plan to address them. In closing, Mr. Myer stated that the current economic situation reinforced several things to the Wildlife Commission. One was to use all of available resources wisely, including our staff and funds through informed, innovative and adaptive strategies. Mr. Myers stated the Wildlife Commission was ready to assist the members of the Wildlife Resources Committee.

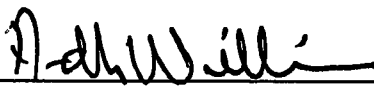
Rep. McLawhorn stated that in information provided by the Wildlife Commission that it was a receipt supported agency. She asked what was the Commission's funding source. Gordon Myers replied that in package provided to committee members there is a power

point presentation that were into detail of the Wildlife Revenue funding (Attachment ____). The largest funding resource was sales and use tax. It was received by statute attributed to sales on hunting and fishing equipment. Also get motor boat registration receipts, hunting and fishing license receipts and the US Fish and Wildlife Service federal aid money from excess tax collected at a manufacturing level on hunting and fishing gear. Funding also same through match money from US Fish and Wildlife Service. Rep. McLawhorn asked that if there was a yearly or lifetime requirement to obtain a hunting or fishing license. She also inquired how boat registration fees worked. Mr. Myer stated that there are two options for boat registration fees: one is a one year option for \$20 or a three year option for \$45. Most boaters choose the three year option. Rep. McLawhorn asked when the Commission decided on accesses did they go by boater registrations within certain locations. Mr. Myers answered that was a factor but not a great factor, since many people travel with their boats. The facilities largely cater to trailer-able vessels, what water resources are available, and if they are high value water resources to target.

Chair Williams commended Rep. Spears for all the work he has done on the Mattamuskeet Lodge in his district. Rep. Spears stated that an excellent job was being done on that program and it was a great asset to North Carolina.

Rep. Stiller asked if the Commission needed the legislature to work on any issues before them or to develop any bills or legislation, such as environment permits to update equipment for hatcheries. Gordon Myers stated that the Wildlife Commission had been working with Rep. Williams and Senator Swindell on some agency proposals. He stated that the Commission's had a very limited legislative agenda this session knowing what the legislature was dealing with and were focused on several things. One was that a certain type of trapping gear was excluded the way current statute was written and needed to be modified, if possible. Also, last year the Commission distributed 28,000 antlerless deer tags for free and the Commission would be requesting to a \$10 fee on those tags.

Rep. Lucas made motion to adjourn, seconded by Rep. West. Meeting was adjourned at 12:56 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

**Wednesday, February 25, 2009
Room 415 LOB
12:00 Noon**

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

SPEAKERS

**Wes Seegars, Chairman and
Gordon Myers, Executive Director of the
North Carolina Wildlife Commission**

ADJOURNMENT

***Please note that no bills will be considered at this meeting**

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

February 25, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tracy Kimbrell	Parker Poe
GORDON MYERS	NCWRC
Steve Wincham	NCWRC
MALLOY MARTIN	NCWRC
Wes Seegors	NCWRC
David Cobb	NCWRC
Bob Curry	NCWRC

February 17, 2009

Anna Stefanowicz
GIS Specialist
NC WRC
Division of Engineering Services

GIS Analysis of the Distribution of WRC Boat Access Areas

Purpose: In the line with one of the Division of Engineering Services missions of administering free, public water access in North Carolina, a number GIS analysis of WRC Boat Access Area distribution was performed to identify areas for potential BAA locations. This is a short report showing the GIS analysis and findings that can be considered in planning, improving and increasing of public boat water access throughout the state.

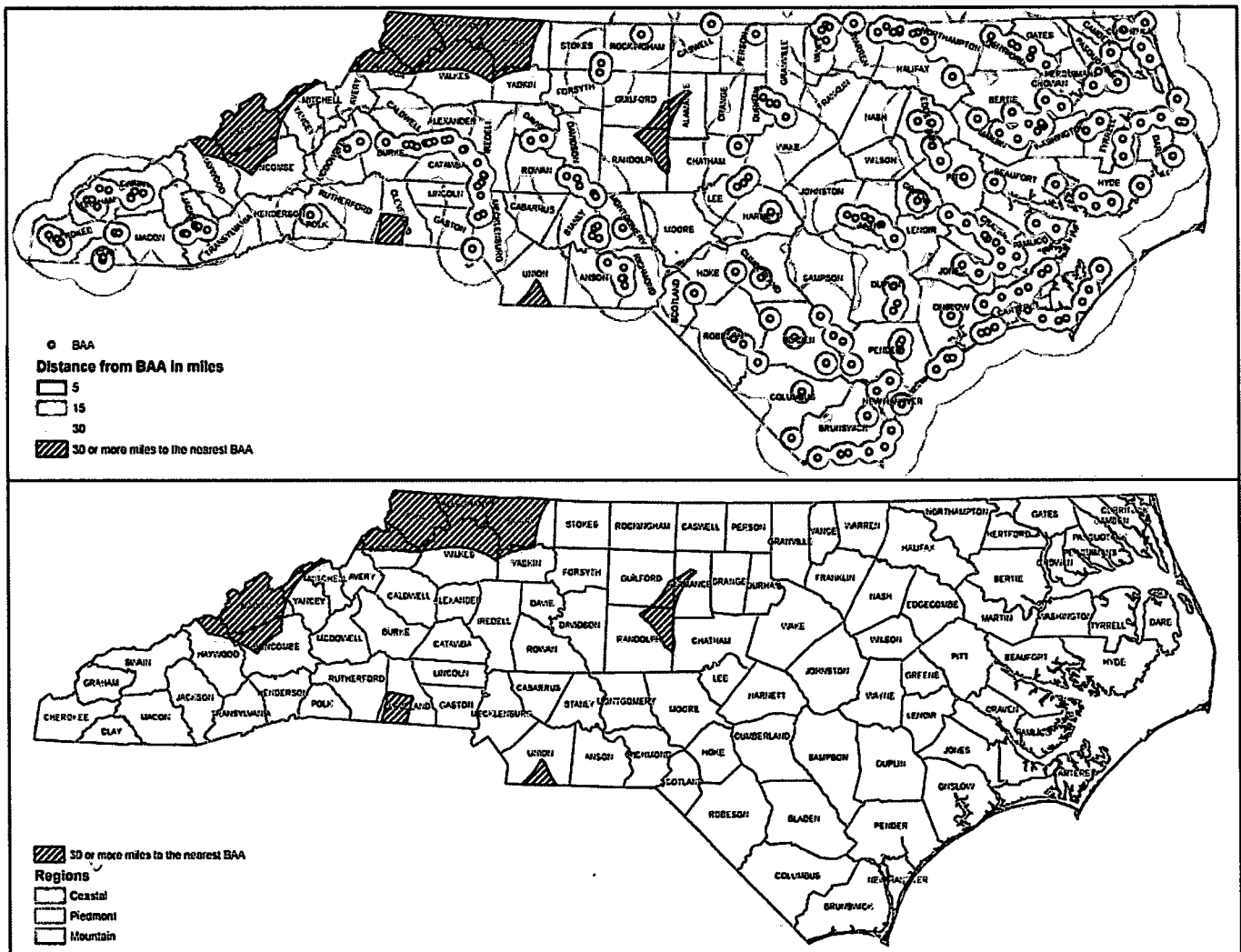
Method: GIS proximity analysis (buffering) was applied to find areas with limited access to WRC Boat Access Areas. A distance of 30 or more miles to the nearest BAA was chosen to identify the limited-access to boat launch areas. After identifying such areas, they were analyzed through comparison with various sets of spatial data pertaining to demographics, vessel registrations, and distribution of state-owned, federal, managed and open lands. The goal of such comparisons was to find possible relationships, correlations and patterns between the BAA distribution and different GIS data sets.

Findings:

1. Distribution of areas with limited access to BAAs

The top image shows BAA and 5, 15 and 30-mile distance buffers from their locations. The pink areas represent areas of 30 or more miles to the nearest BAA. The applied buffer distances came from the WRC Boater Needs Survey conducted in 2006.

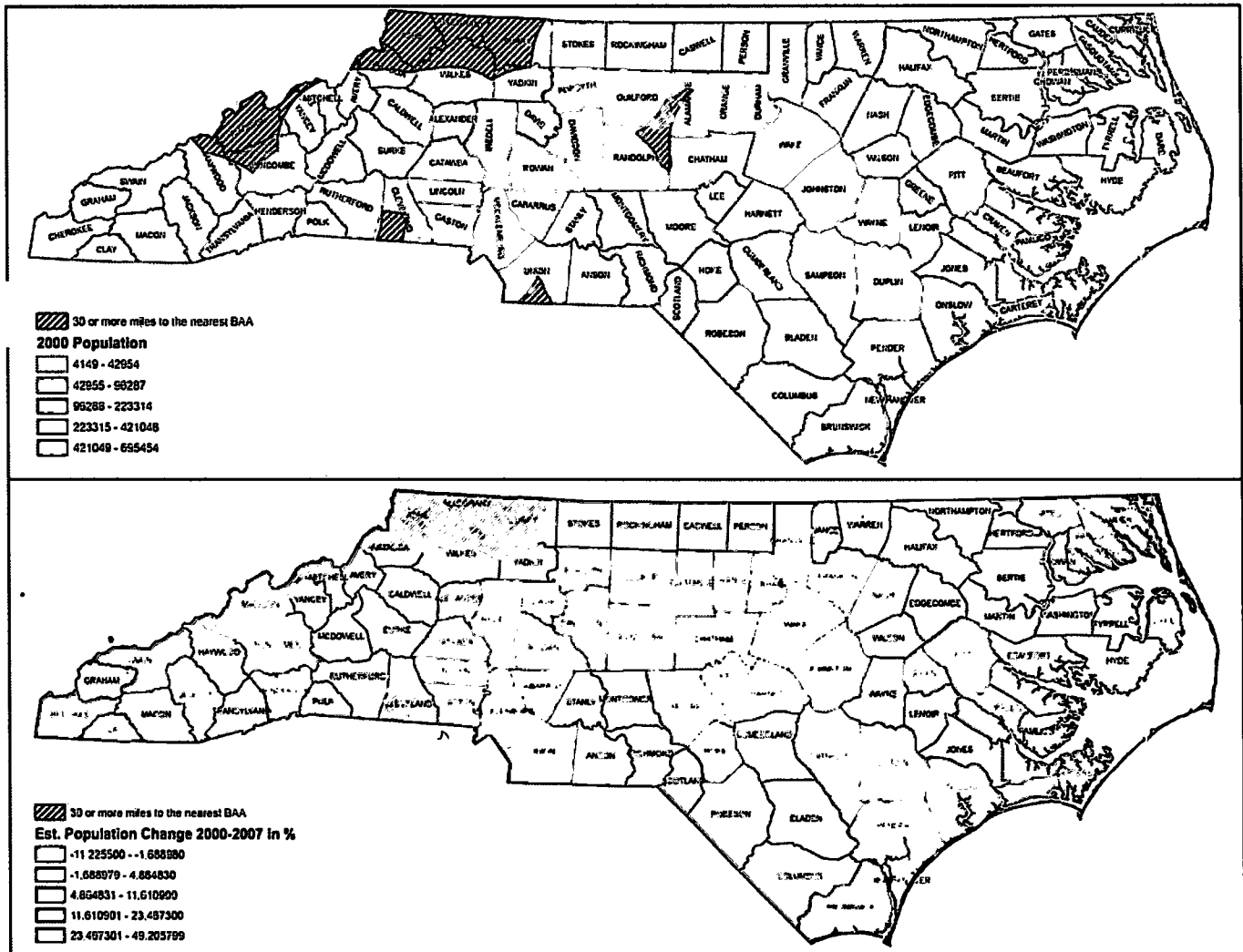
The bottom image shows distribution of areas of the 30 or more miles from the nearest BAA by region and county. Three of them, and the most extensive (2334 sq. miles), are distributed in the Mountain Region covering Buncombe, Haywood, Madison, Yancey, Mitchell, Watauga, Ashe, Alleghany, Wilkes, Surry and Cleveland Counties. Two areas of combined 330 sq. miles are in Piedmont (Alamance, Randolph, Chatham and Union Counties) and one, a 7 sq.-mile, is in the Coastal Region (Outer banks part of Dare County).



2. Areas with limited access to BAAs vs. Population

The top map shows a comparison of the distribution of areas with limited access to BAAs to NC county population from the US 2000 Census. The two areas in Piedmont cover counties with higher county populations than the areas in the Mountain and Coastal regions.

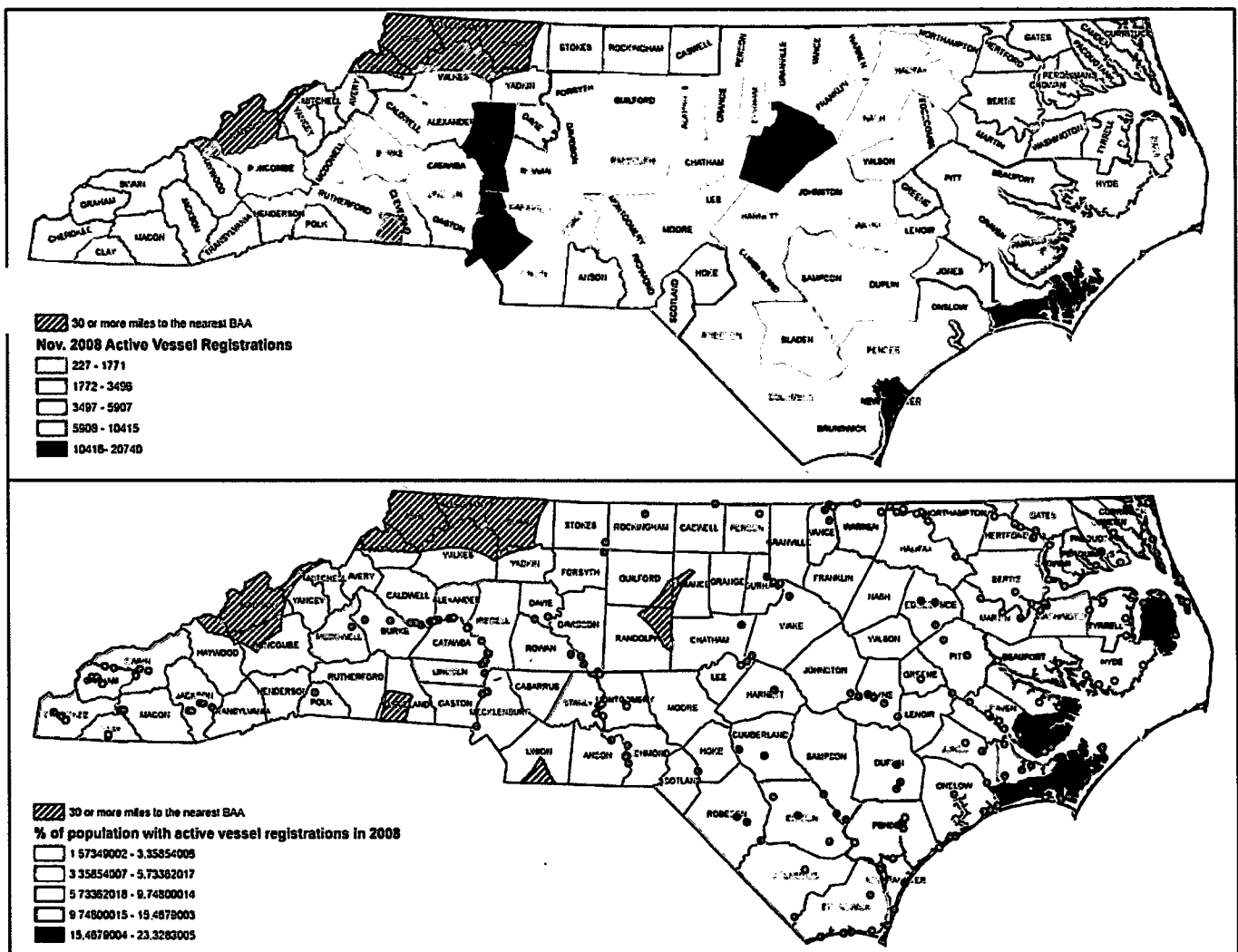
The bottom map shows a comparison of the distribution of areas with limited access to BAAs to US Census estimates of county population change from 2000 to 2007. From all the limited access to BAAs areas, the Piedmont areas cover counties with high population increase. Particularly, the Union County has the highest estimate of almost 50% increase in population. Next counties in population growth from covered areas are: Dare (12.7%), Alamance (11.1%), Guilford (10.7%), Buncombe (9.9%), Madison (9.4%) and Randolph (7.4%). The rest areas cover counties with population growth of less than 5%.



3. Areas with limited access to BAAs vs. 2008 Active Vessel Registrations

The top map shows comparison of areas with limited access to BAAs to 2008 active vessel registrations per county. Guilford and Buncombe counties have the highest number of vessel registrations (10415 and 6208 respectively) for the areas where there is 30 or more miles to the nearest BAA.

The bottom map illustrates how many percent of population, per county, held vessel registrations in Nov. 2008. The coastal counties dominate in the percentage of vessel registrations per population indicating that a high percentage of these county residents have registered vessels despite the fact that some of these counties are sparsely populated. Consequently, some the most populated counties have very low percentage of registered vessels. Such distribution suggests that the number of registered vessels may be more correlated to the water accessibility than to the number of population. The better access to water, the higher percentage of population has registered vessels. The distribution of existing BAAs also indicates this trend. The counties with high number of BAAs tend to have higher percentage of people with registered vessels. Interestingly, the areas of 30 or more miles to the nearest BAA cover counties with low percentage of population holding vessels. This is partially due to limited or no access to navigable waters. However, it is valuable to research those areas that may naturally provide good water access to increase the number of vessel registrations.

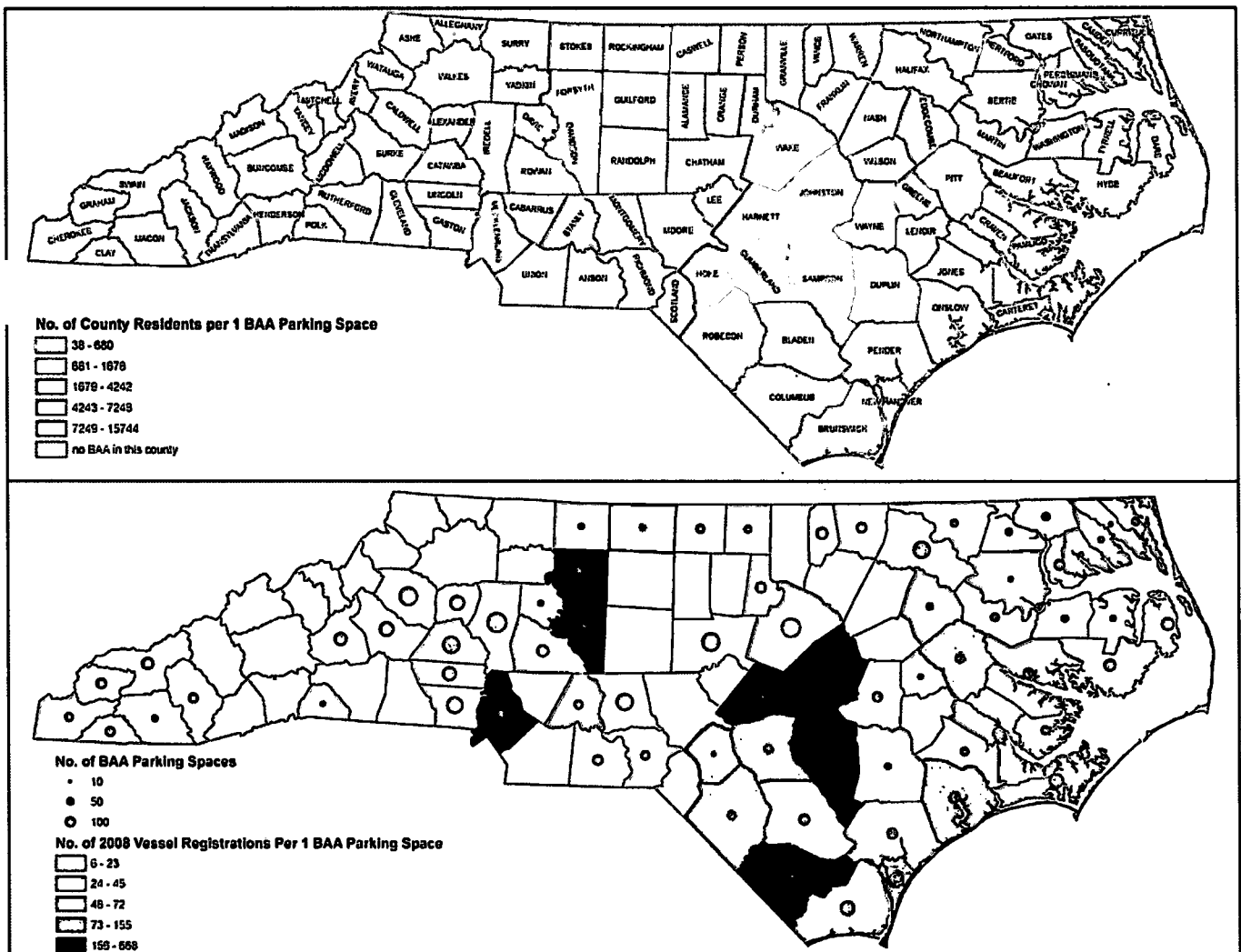


4. Population/Vessel Registrations v. BAAs parking space

The top map illustrates how many persons (according to 2007 population estimates) in county fell for one BAA parking space. The highest numbers are in the western and eastern counties of the Piedmont and some western counties of the Coast

The bottom map show a number of 2008 vessel registrations per one BAA parking space. To illustrate better the relationship between registered vessels and parking spaces, a graduated symbol representing the total number of BAA parking spaces per county was also shown. Coastal counties of Columbus, Harnett and Sampson have the highest numbers of persons per one BAA parking space (315, 266, and 259, respectively). In the Piedmont, it is Johnston (668), Mecklenburg (304), and Davidson (286) counties. In the Mountain region, it is Forsyth County with 155 vessel registrations per one BAA parking space.

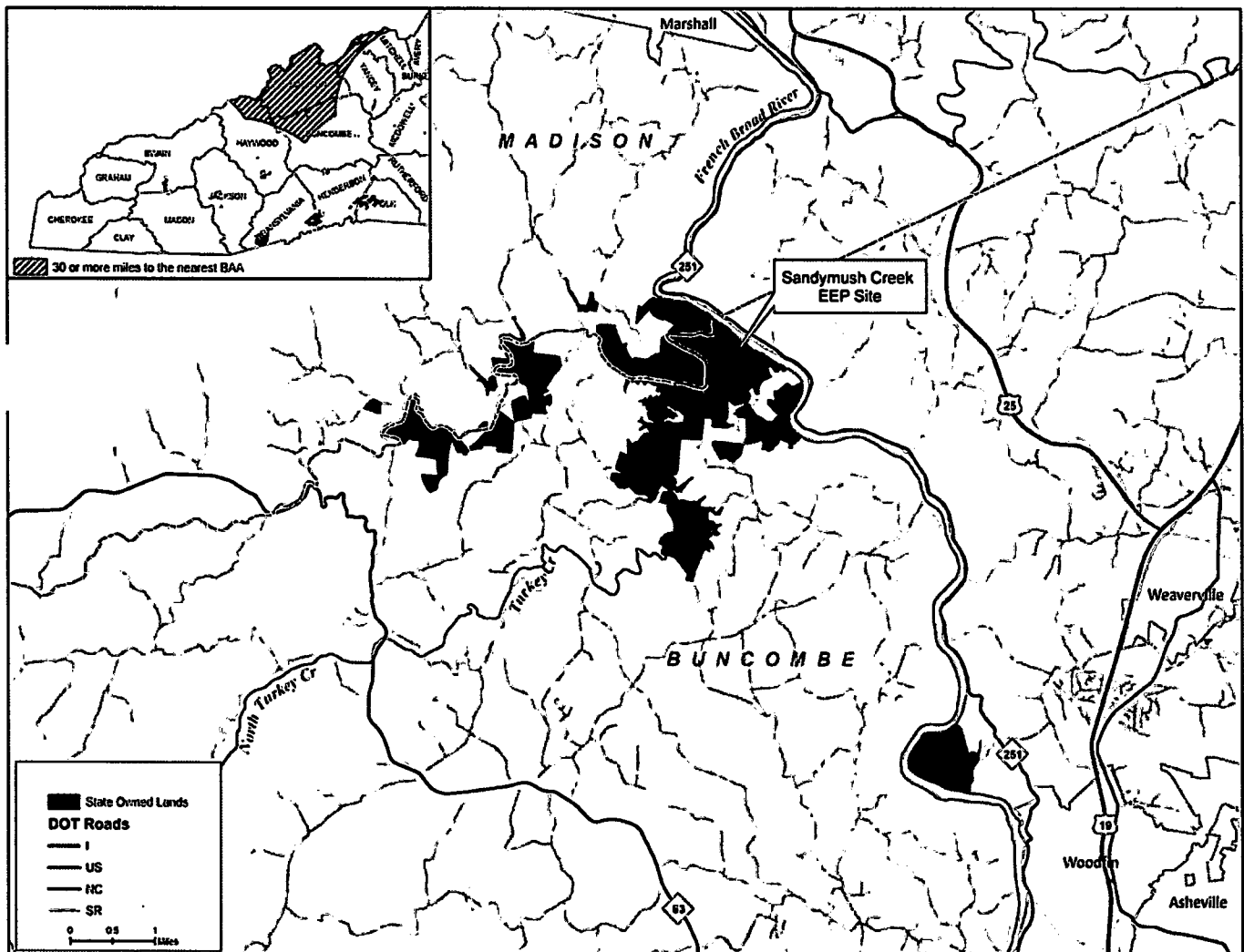
The major difference between these two maps is that there are more registered vessels per one BAA parking space than the number of county residents, especially in the coastal counties. This difference demonstrates that the number of registered vessels may provide better explanation of current usage and future needs for public boat ramps than the number of population itself.



5. An example of an area with limited access to BAA vs. State Owned Lands

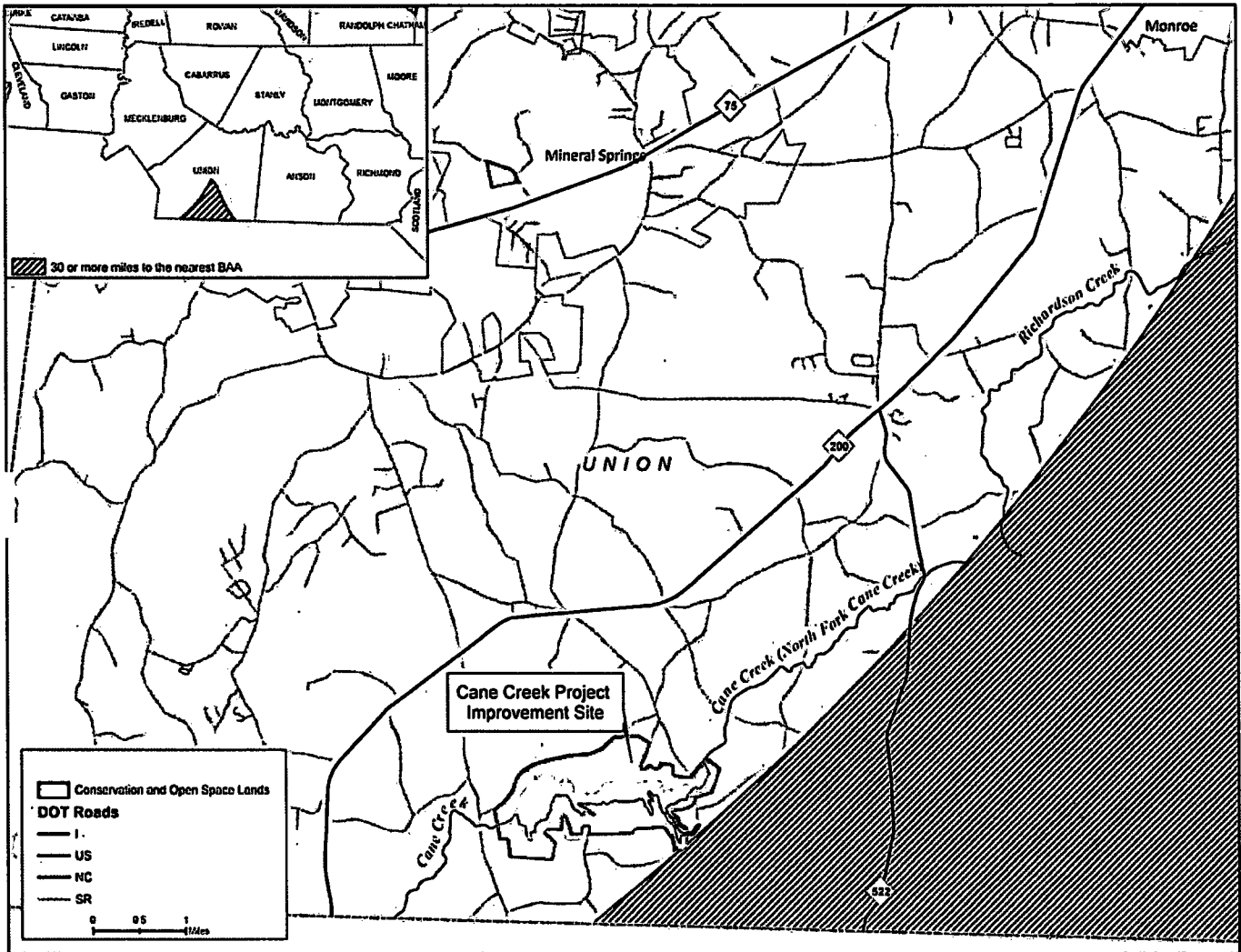
One of the ways to identify potential sites for new BAAs is to compare the distribution of areas with limited access to BAAs with areas suitable for boat ramps and available in a GIS format. There are several GIS layers available from the state clearinghouse for geospatial data, NC OneMap. They include state-owned lands, federal lands, Land Trust properties, areas managed for conservation and open space, water quality, submerged aquatic vegetation bed, etc.

The map below shows one the limited access area in Buncombe and Madison Counties with overlapping waterfront, state-owned lands. This land, owned by DENR, consists of 1743 acres and is called Sandymush Creek. According to the State Property Office database, this land was purchased in 2005 with the NC Ecosystem Enhancement Program funds for a stream restoration program with a possibility to be given WRC.



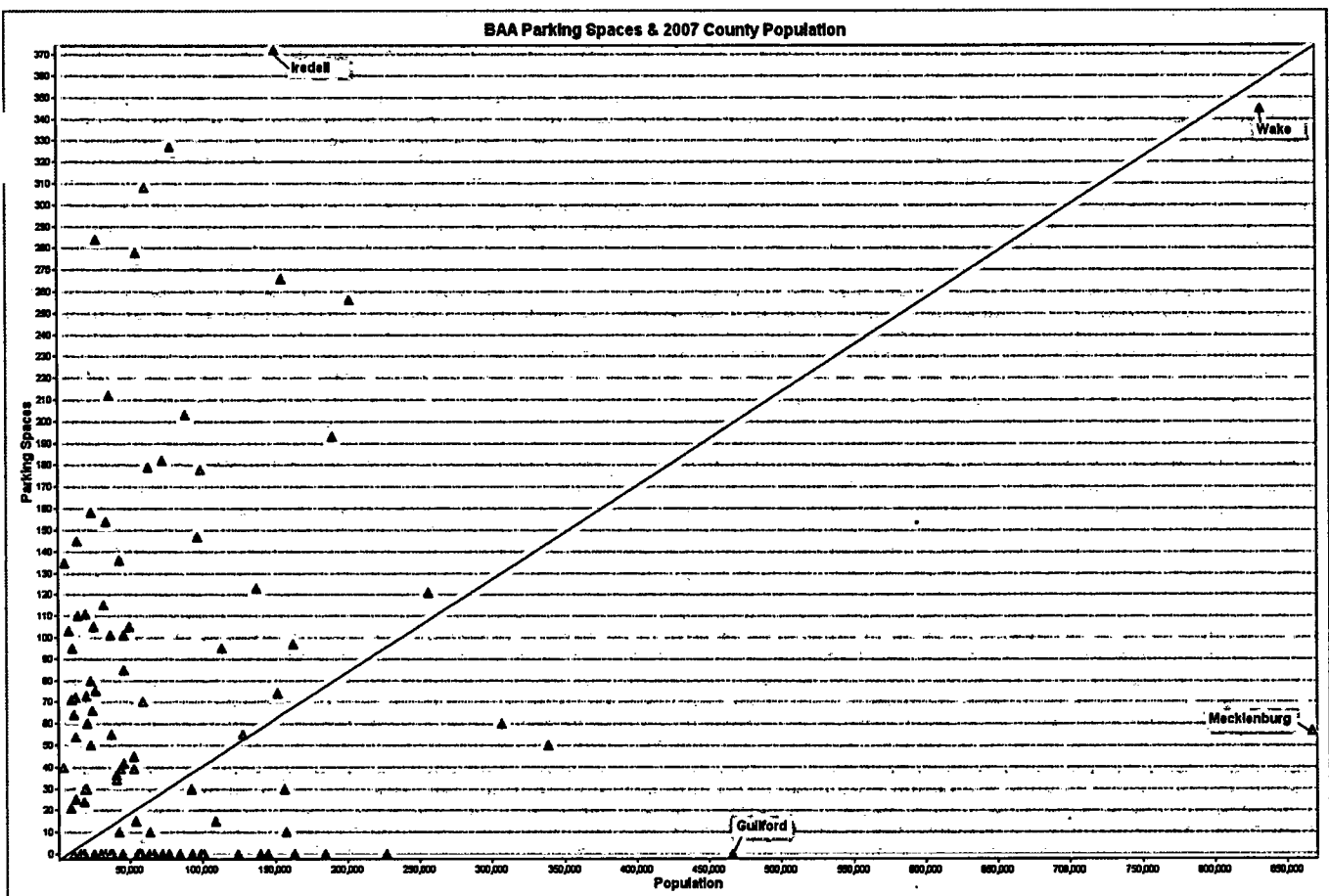
6. An example of an area with limited access to BAA vs. Conservation Lands

This map shows another site that may be worth investigating its suitability for a new BAA. A managed land for conservation and open space, called Cane Creek Project Improvement, is located just outside the area of 30 or miles from the nearest BAA in Union County. Population in this county grew significantly in the last 7 years according to the US Census Bureau; however the percentage of population with registered vessels in 2008 was very low.

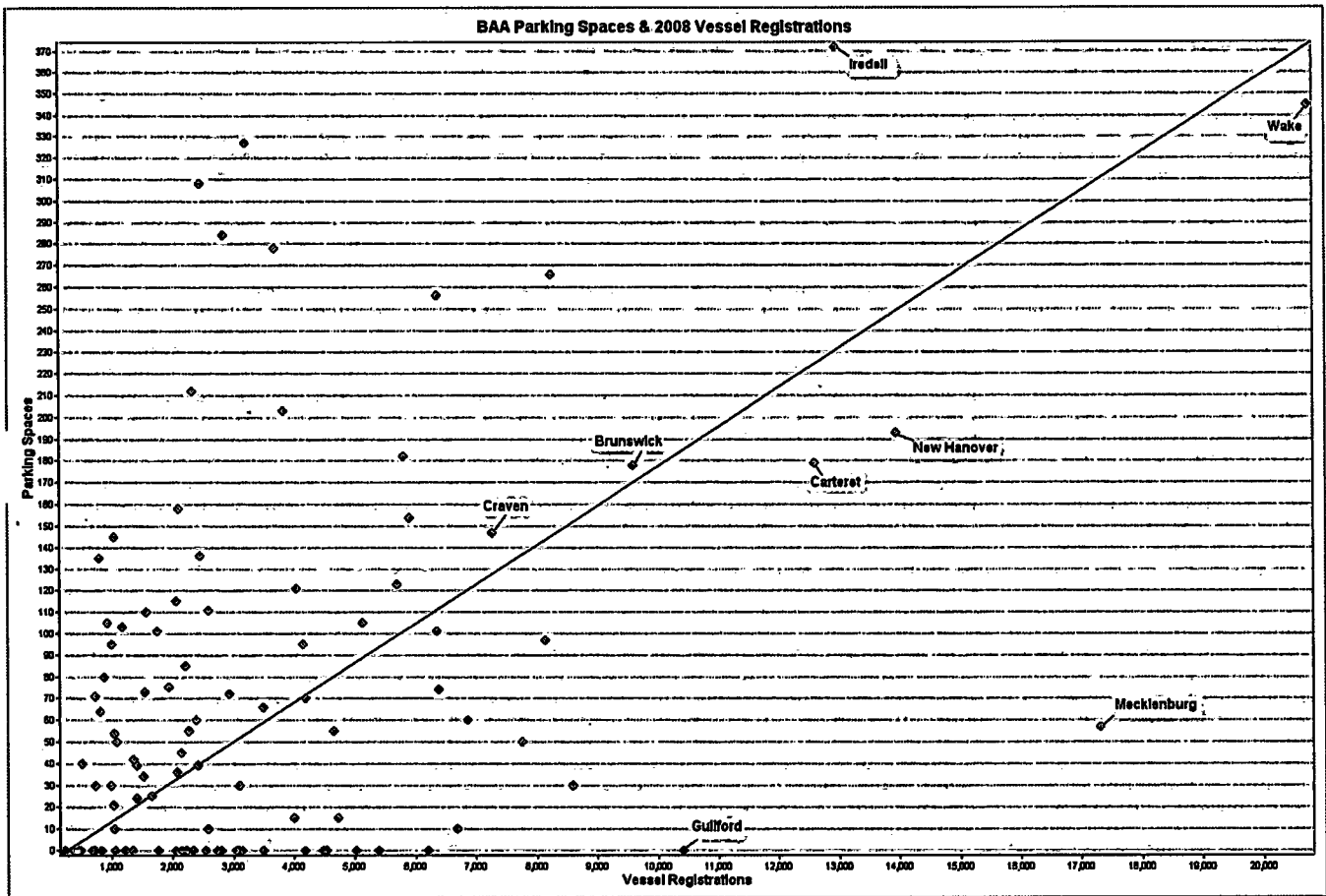


Conclusions:

1. From the distribution of areas with limited access to BAAs, the Piedmont and Mountain regions have the most extensive areas of 30 or more miles to the nearest BAA.
2. From the US Census Bureau estimated population change analysis, the area in Union County (Piedmont region), with its high population growth, is a good candidate for locating a new BAA. Next in order of population growths are: Dare, Alamance, Guilford, Buncombe, Madison and Randolph counties.
3. From the distribution of county population percentage with registered vessels, it is valuable to investigate whether counties with low percentage of population holding such registrations may have more areas suitable for new BAAs.
4. The number of registered vessels may be a better indicative of current use and need for WRC BAAs than just a number of county residents.
The following charts compare relationship between BAA parking spaces, vessel registrations and county population.



The first chart shows whether existing BAA parking spaces per county were correlated with 2007 county populations. In other words: was the number of county residents related to the number of BAA parking spaces? The green triangles indicate counties with BAAs and orange ones without. The chart does not indicate a correlation between the two variables. Most parking spaces are offered in counties with population up to 200,000. Only in Wake County there is a comparative number of parking spaces to population. Guilford stands out as the most populous county without an access to a BAA. The same county has an area of 30 or more miles to the nearest BAA.



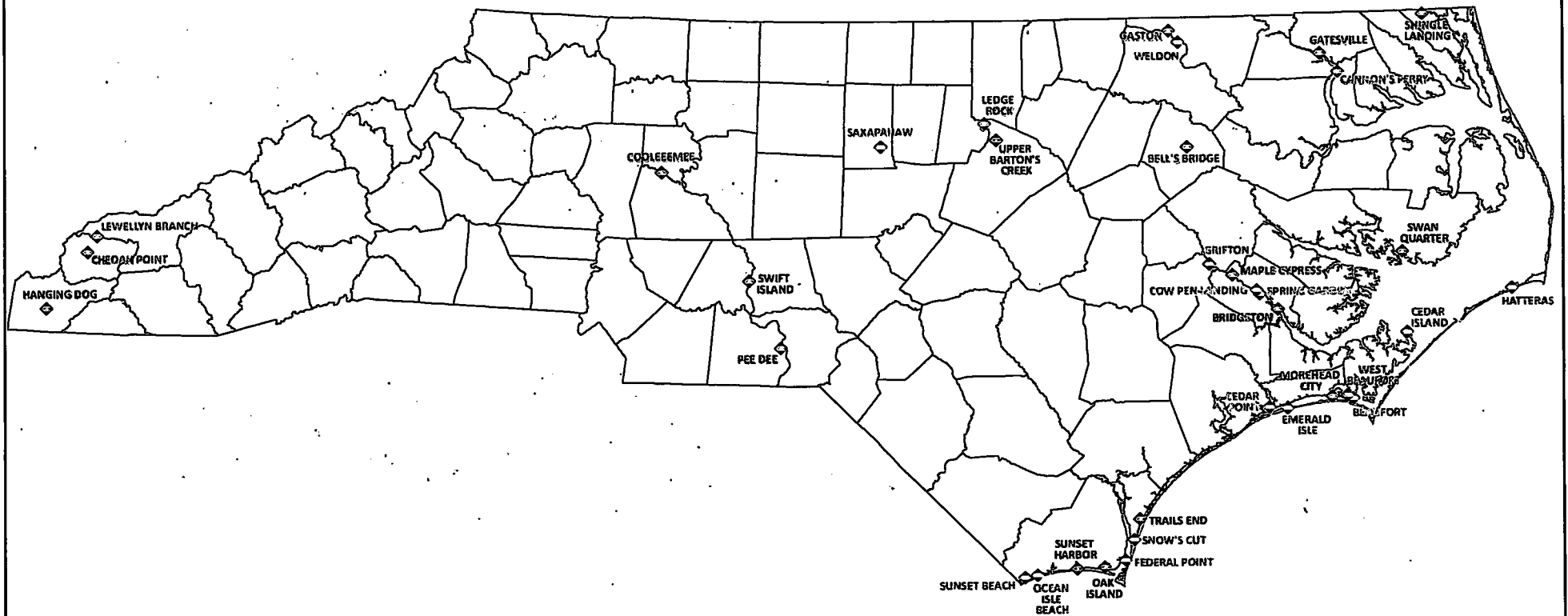
The second chart shows whether existing BAA parking spaces per county were correlated with 2008 vessel registrations. Can it be claimed that the more BAA parking spaces in county, the higher number of registered vessels in the county? The green diamonds indicate counties with BAAs and orange ones without. Though, the chart does not indicate a particular correlation between the two variables, there distribution of parking spaces is less clustered in counties with lower vessel registrations and more distributed across the chart. There is a comparative number of parking spaces to registered vessels in Wake, New Hanover, Carteret, Brunswick and

Craven counties. The question remains whether there are enough of parking spaces in those counties. Guilford stands out again as the most populous county without a close access to a BAA. Providing a boat access area in this county may lead to an increase in the number of vessel registrations.

5. To improve and increase public boat access to NC waters, it is important to compare areas of limited access to WRC BAAs with various GIS data in order to identify suitable locations for new boat launch areas that may not be recognized in other ways

Current Boat Access Area Projects

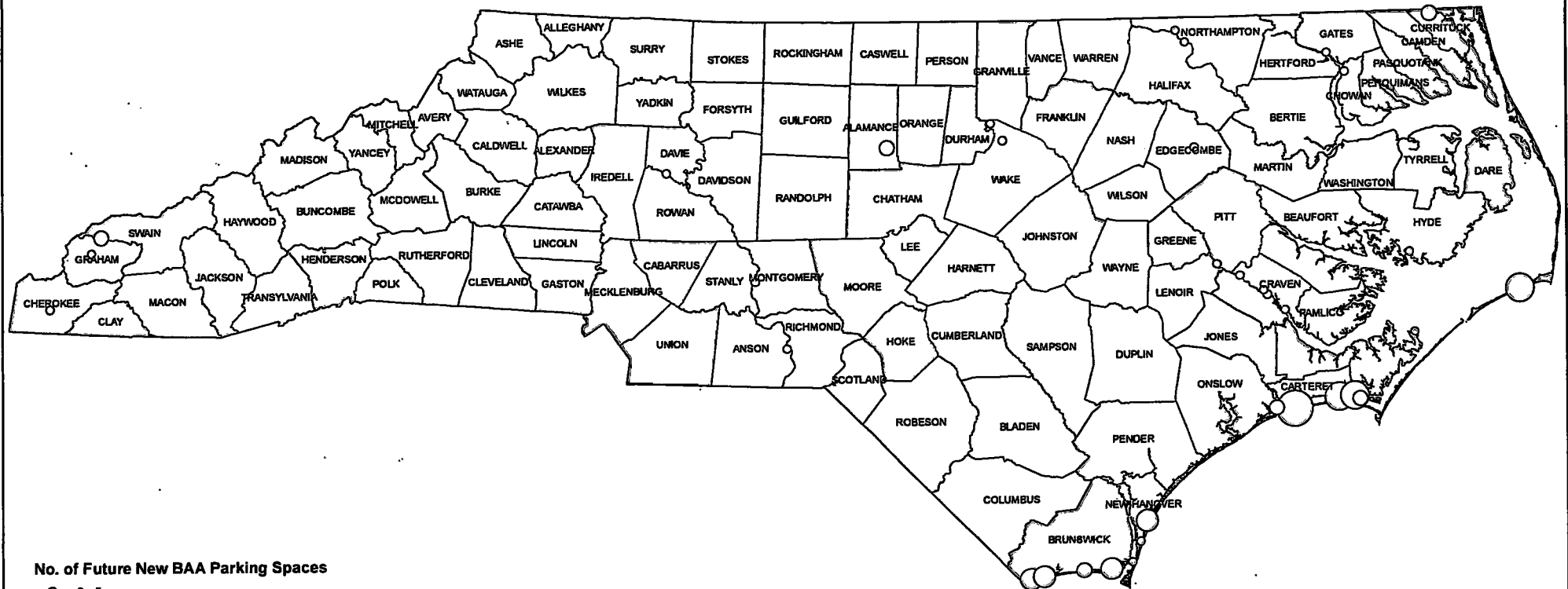
Engineering Services Division



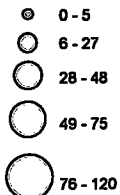
Status

- ◆ Project Under Construction
- ◆ Project Awaiting Construction
- ◆ Project in Review for Permitting
- ◆ Project Under Design

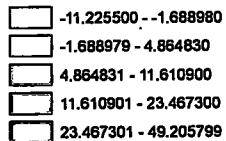
Gained B... Parking Spaces Per Current BAA Projects & Population Growth



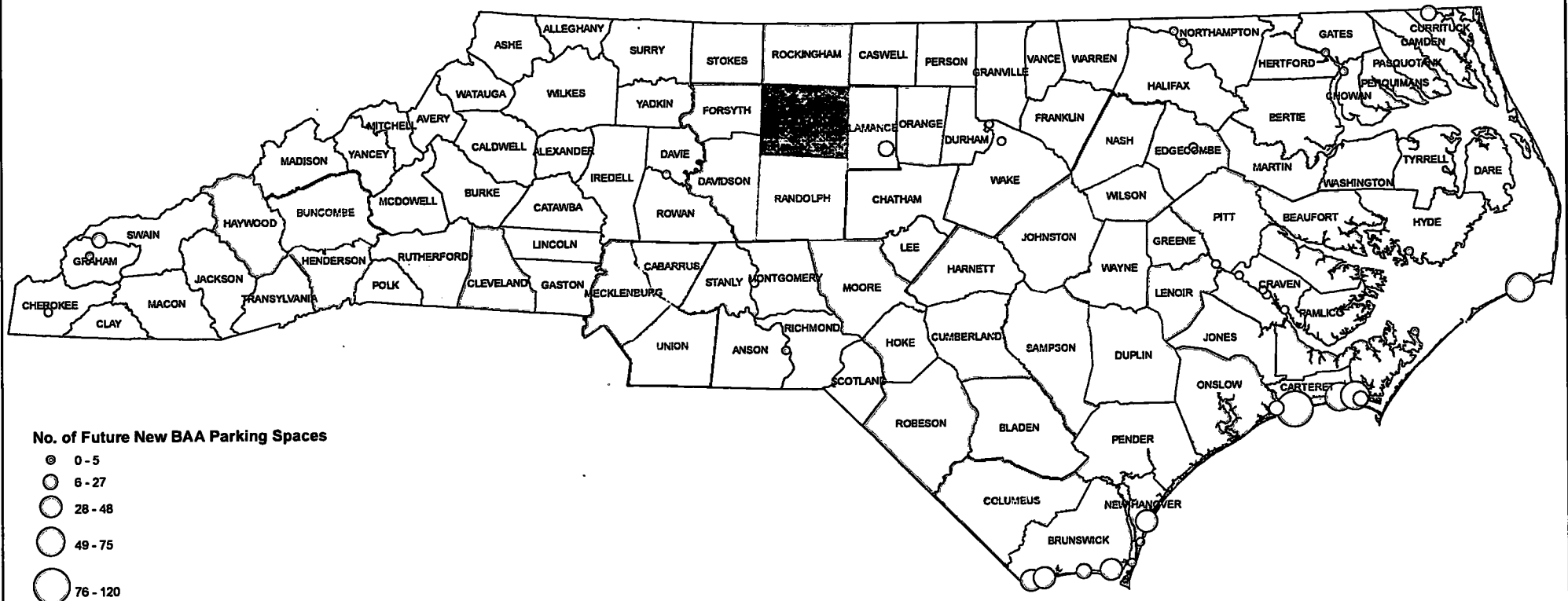
No. of Future New BAA Parking Spaces



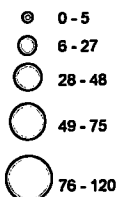
Est. Population Change 2000-2007 in %



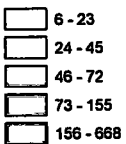
Gained B. . . Parking Spaces Per Current BAA Projects & Vessel Registrations



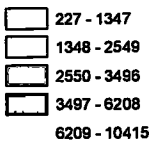
No. of Future New BAA Parking Spaces



No. of 2008 Vessel Registrations Per 1 BAA Parking Space



No. of 2008 Vessel Registrations in Counties w/o BAAs





North Carolina Wildlife Resources Commission — A Receipt Supported Agency

NCWRC is one of a few NC state agencies that are 100 percent receipt supported. Unlike most North Carolina state government agencies who receive the majority of their operational and capital funding through the legislative process, the NCWRC's sole source of revenue to cover operating and capital costs of the agency is derived from its revenue sources of license sales, vessel registration and titling fees, and matching grants obtained through the federal government. A majority of other state agencies do have receipt-supported *programs*, however none of these agencies is entirely supported by their program receipts.

NCWRC also does not have access to many of the funding mechanisms available to other state agencies, such as:

- **General Fund Appropriation**
 NCWRC is not eligible and, therefore, does not submit expansion budget requests during the biennial budget process. And, NCWRC does not receive the automatic inflationary increases (motor fuel, postage, food, drugs, medical supplies, water & sewer, natural gas, subsistence) in the legislative continuation budget.
- **Repair and Renovation Fund**
 NCWRC is not eligible and, therefore, does not receive funding from the repair and renovation fund to maintain buildings, depots, fish hatcheries, and boating and fishing access areas.
- **Department of Administration Facility Management**
 Operating costs for the NCWRC's state-owned administrative office building in Raleigh are paid for from NCWRC receipts. Other state-owned buildings housing all other state agencies are maintained by the Department of Administration through Facility Management.
- **Legislative Capital Appropriation**
 NCWRC financed the construction of its Raleigh administrative building through the certificate of participation (COPS) process. Most state-owned buildings in Raleigh are funded through the legislative capital appropriation process.
- **Salary Adjustment Fund**
 Salary adjustment funding for reclassification of positions is not available to the NCWRC. The salary adjustment fund account was established at the Office of State Budget and Management to assist general fund agencies who do not have salary reserves to fund reclassification of positions. (Ex., in the 1999 Appropriations Act, \$60,000 was earmarked from the Salary Adjustment Fund to the Department of Cultural Resources to reclassify security guard positions in the Museum of History and at State historic sites.) NCWRC must generate its own salary reserves to fund reclassifications.

NCWRC and the Sales and Use Tax

Since enactment of G.S. 105-164.44B in 1984, the sales tax is the only permanently consistent revenue source that has grown over the past five years. With the sales tax growth, NCWRC has been able to fund the increased cost of agency operations.

GENERAL STATUTE: 105-164.44B

Transfer to Wildlife Resources Fund of taxes on hunting and fishing supplies and equipment. Each fiscal year, the Secretary of Revenue shall transfer at the end of each quarter from the State sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes to the State Treasurer for the Wildlife Resources Fund, one fourth of the amount transferred the preceding fiscal year plus or minus the percentage of that amount by which the total collection of State sales and use taxes increased or decreased during the preceding fiscal year. (1983 (Reg. Sess., 1984), c. 1116, s. 88; 1987, c. 738, s. 150; 1989, c. 752, s. 159; 1993, c. 321, ss. 290(a), 290(b); 1993 (Reg. Sess., 1994), c. 591, s. 9, c. 769, s. 27.1(a), (b).)

Initial Sales Tax Funding in 1986 was \$2,000,000. Since 1986, the sales tax growth has helped curb rising costs associated with:

- Performing patrolling duties in the enforcement division (which has been affected by rising gasoline prices).
- Maintaining stewardship of public game lands, which are growing through acquisition with our conservation partners: Clean Water Management Trust Fund (CMTF), Natural Heritage Trust Fund (NHTF), and The Nature Conservancy (TNC).
- Production and distribution of the *Wildlife in North Carolina* magazine.
- Operating free education centers to the school children of NC and surrounding states.
- Providing Comprehensive Major Medical Plan (CMMP) benefits to the NCWRC employees.
- Operating a host of other programs, such as the nongame and endangered species programs that rely on state funds for matching federal grants.

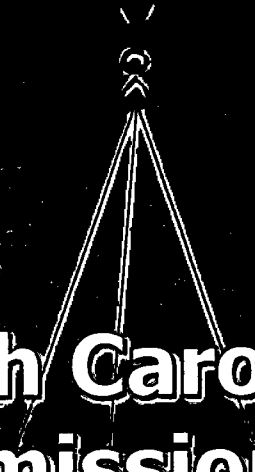
Capping the sales tax transfer and not allowing it to grow would significantly impact the agency's operations, such that:

- Enforcement's patrolling duties would be curtailed to reflect a reduced budget adjustment at a time when there is an increased need for oversight of our waterways and land. Wildlife enforcement officers patrol our waterways and land to enforce the state's game, fish and boating laws which help to protect and conserve our wildlife

resources and encourage safe hunting and boating practices. The officers also educate the public as to waterways rules and promote safe hunting and boating practices that ensure a healthy outdoor family (recreational) experience.

- Game land stewardship would be reduced. In order to preserve open spaces for NC, the NCWRC has and will continue to increase its land holdings through our conservation partners: Clean Water Management Trust Fund (CMTF), Natural Heritage Trust Fund (NHTF), and The Nature Conservancy (TNC). Open spaces are a magnificent state asset but must be managed and maintained for safety and appropriate use whether by hunter, hiker, bird watcher, individual or camper.
- NCWRC's Outer Banks, Pisgah, and Centennial Campus Education Centers could not be maintained to a standard that allows the agency to continue the current hours of operation, if at all.
- NCWRC likely would lose federal funds. Beginning October 2008, there will be an increase in the state match for the same amount of federal dollars for the nongame program.
- Major medical plan costs could not be met at current staffing levels, thus placing NCWRC in a reduction in force (RIF) situation.
- *Wildlife in North Carolina* magazine operations would be significantly altered. The magazine currently operates at a substantial loss as a result of low subscription rates and increasing production costs.
- NCWRC's extensive infrastructure which includes miles of roads, fish hatcheries, dams, buildings, public boat ramps, and fishing piers would become increasingly vulnerable to falling into disrepair.

WRC Revenues



**Chapter 1: North Carolina Wildlife
Resources Commission — A Receipt
Supported Agency**

North Carolina Wildlife Resources Commission

— A Receipt Supported Agency

- NCWRC is one of a few NC state agencies that are 100 percent receipt supported. Unlike most North Carolina state government agencies who receive the majority of their operational and capital funding through the legislative process, the NCWRC's sole source of revenue to cover operating and capital costs of the agency is derived from its revenue sources of license sales, vessel registration and titling fees, and matching grants obtained through the federal government. A majority of other state agencies do have receipt-supported *programs*, however none of these agencies is entirely supported by their program receipts.

North Carolina Wildlife Resources Commission

— A Receipt Supported Agency

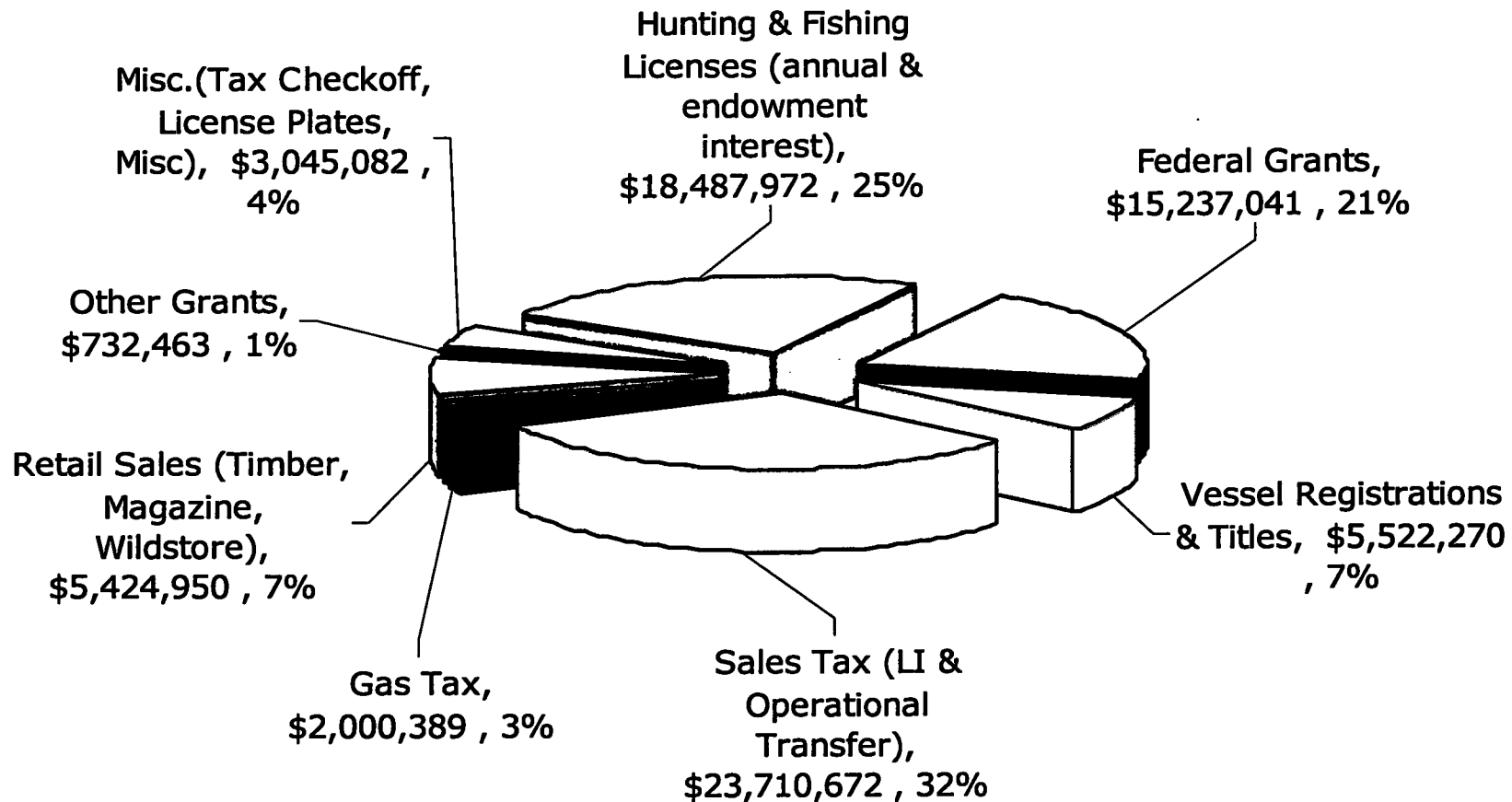
NCWRC also does not have access to many of the funding mechanisms available to other state agencies, such as:

- **General Fund Appropriation**
- **Legislative Capital Appropriation**
- **Repair and Renovation Fund**
- **Department of Administration Facility Management**
- **Information Technology Requests**
- **Salary Adjustment Fund**

North Carolina Wildlife Resources Commission

— A Receipt Supported Agency

NCWRC FY 2007-2008 Revenues

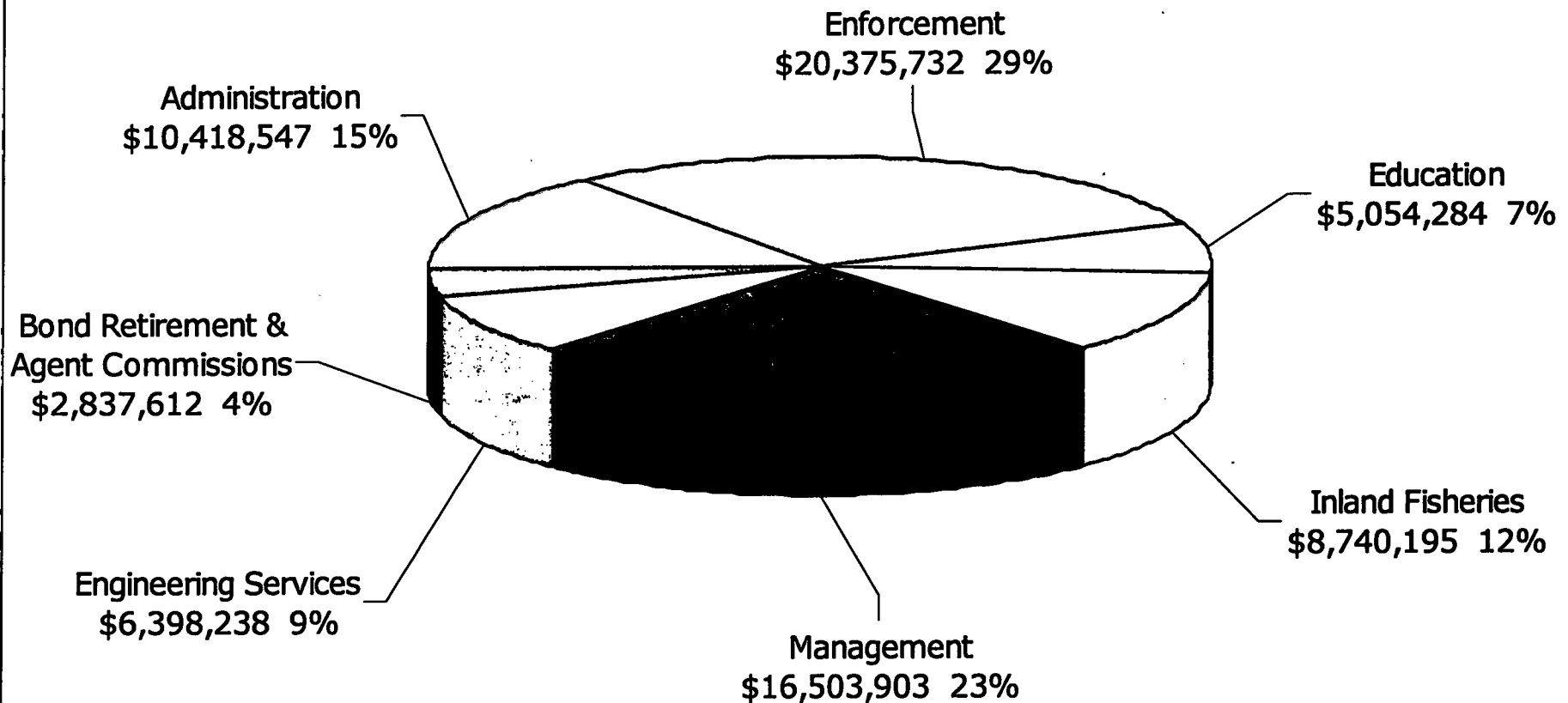


North Carolina Wildlife Resources Commission

— A Receipt Supported Agency

NCWRC 2007-2008 Operating Expenditures

Total = \$70,328,515



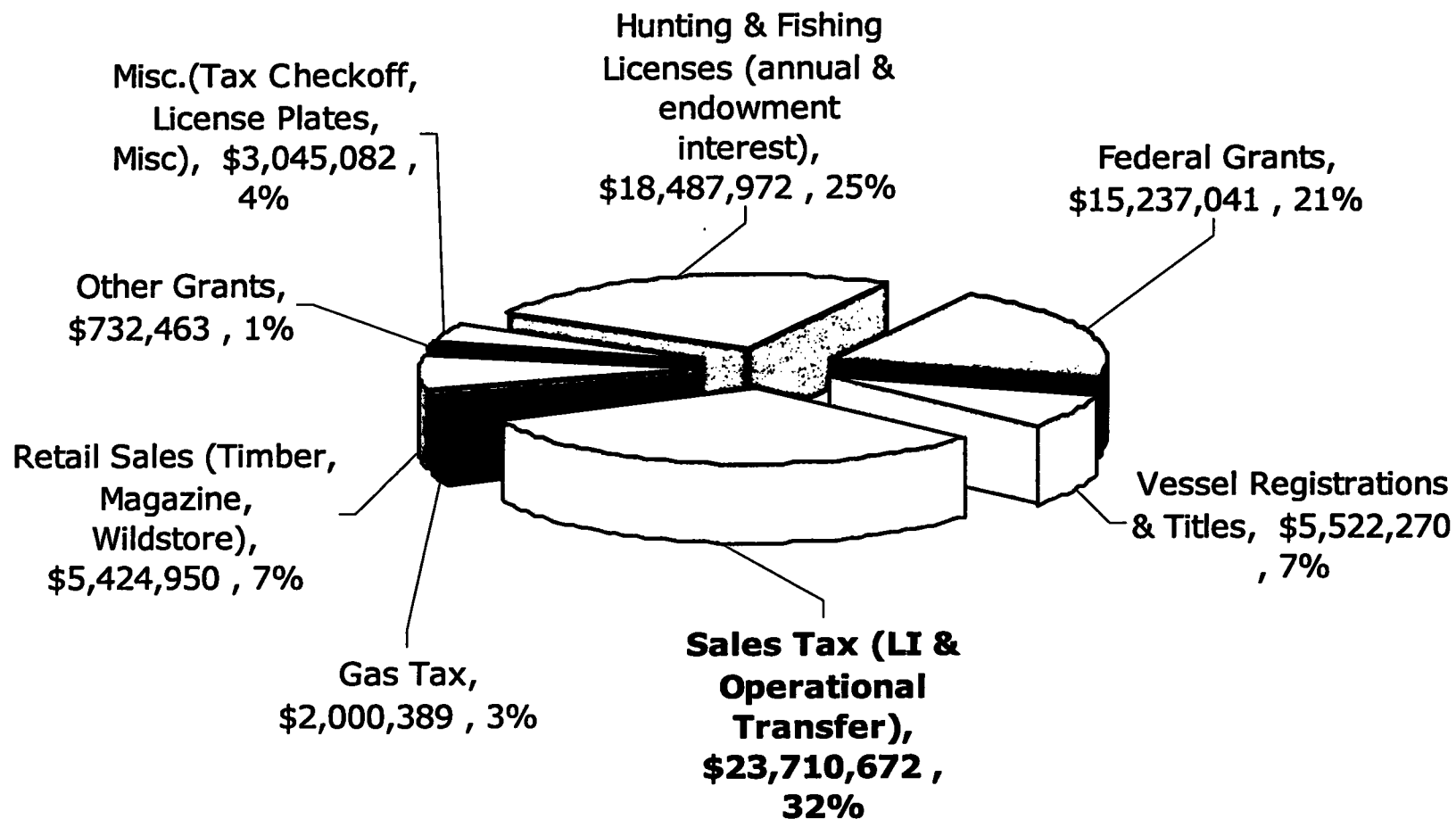
WRC Revenues

Chapter 2: North Carolina Wildlife Resources Commission — Sources of Funding

North Carolina Wildlife Resources Commission

— Sources of Funding

NCWRC FY 2007-2008 Revenues

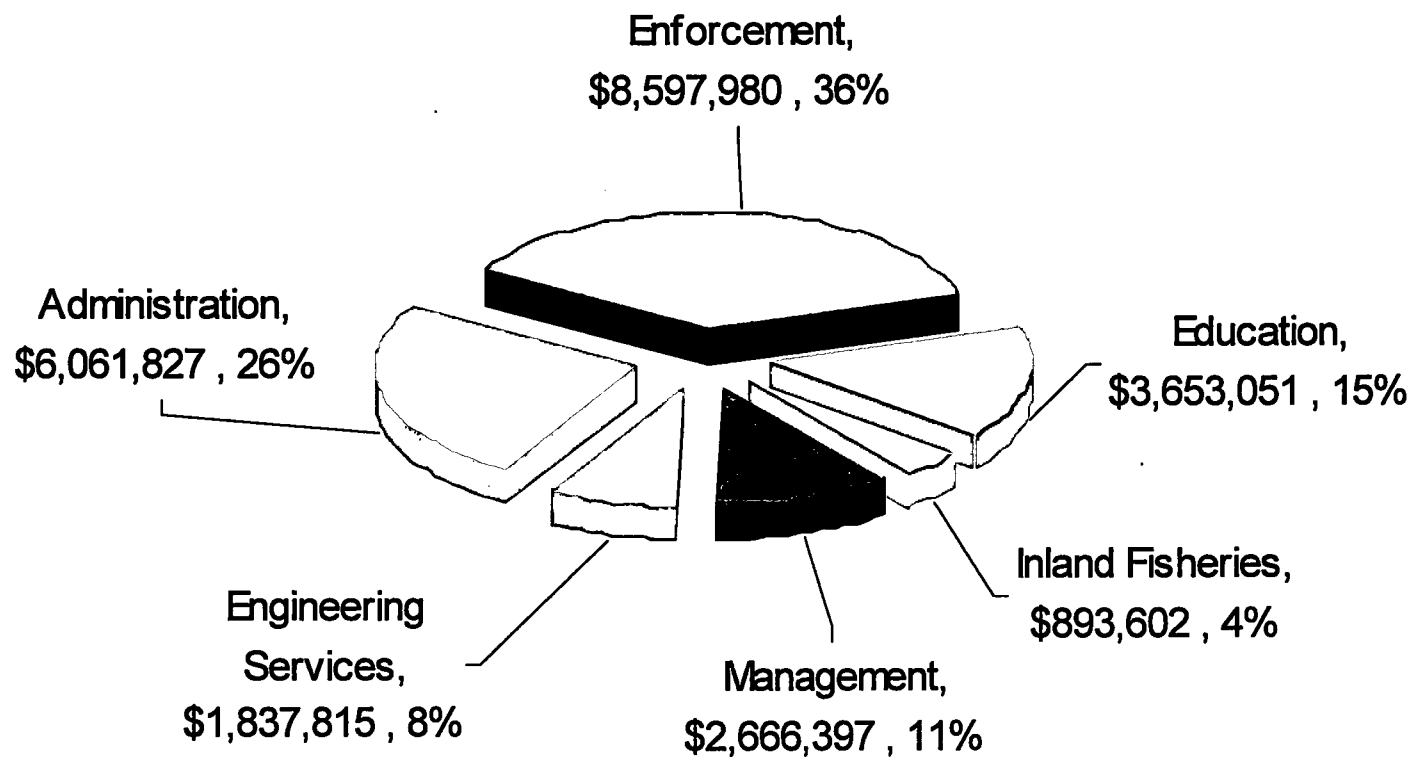


North Carolina Wildlife Resources Commission

— Sources of Funding

Sales Tax Distribution by Division

Total 2007-2008 = \$23,710,672



North Carolina Wildlife Resources Commission — Sources of Funding

GENERAL STATUTE: 105-164.44B

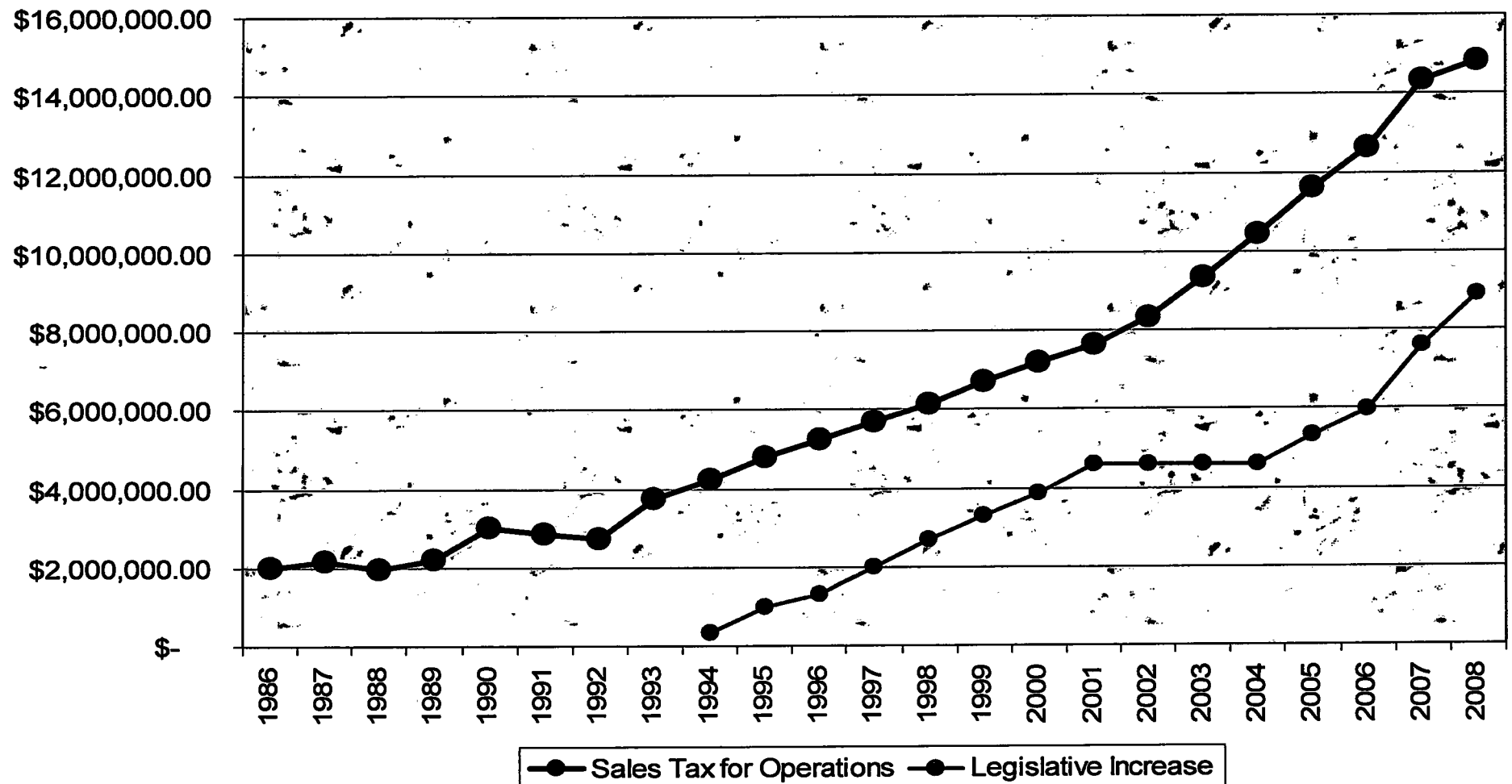
**Transfer to Wildlife Resources Fund of taxes on
hunting and fishing supplies and equipment.**

HB 1473 SECTION 28.15B.

**Temporary Sales Tax Transfer for Wildlife Resources
Commission Salaries**

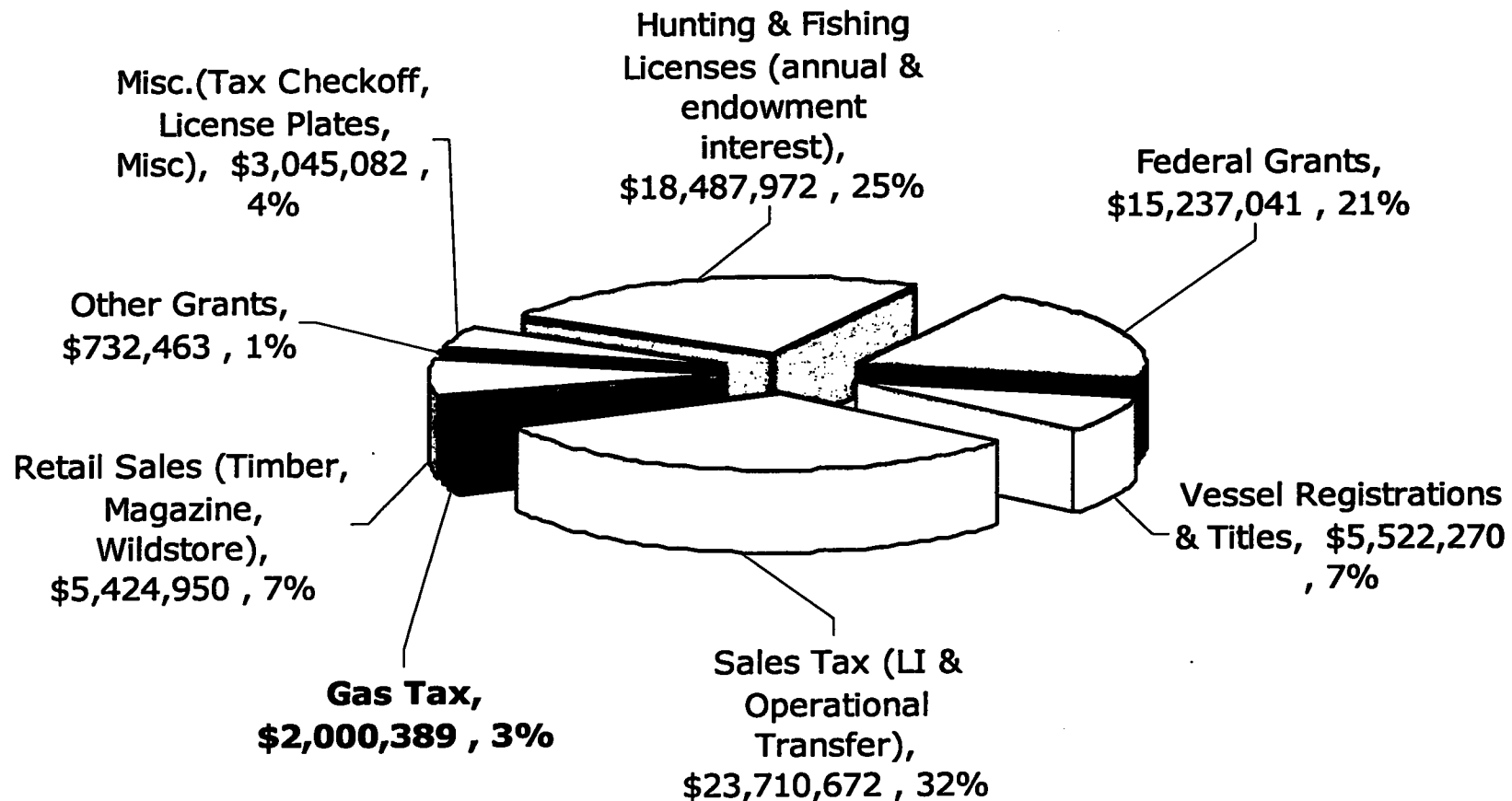
North Carolina Wildlife Resources Commission — Sources of Funding

Sales Tax used for Operations vs Sales Tax used for Legislative Increases



North Carolina Wildlife Resources Commission — Sources of Funding

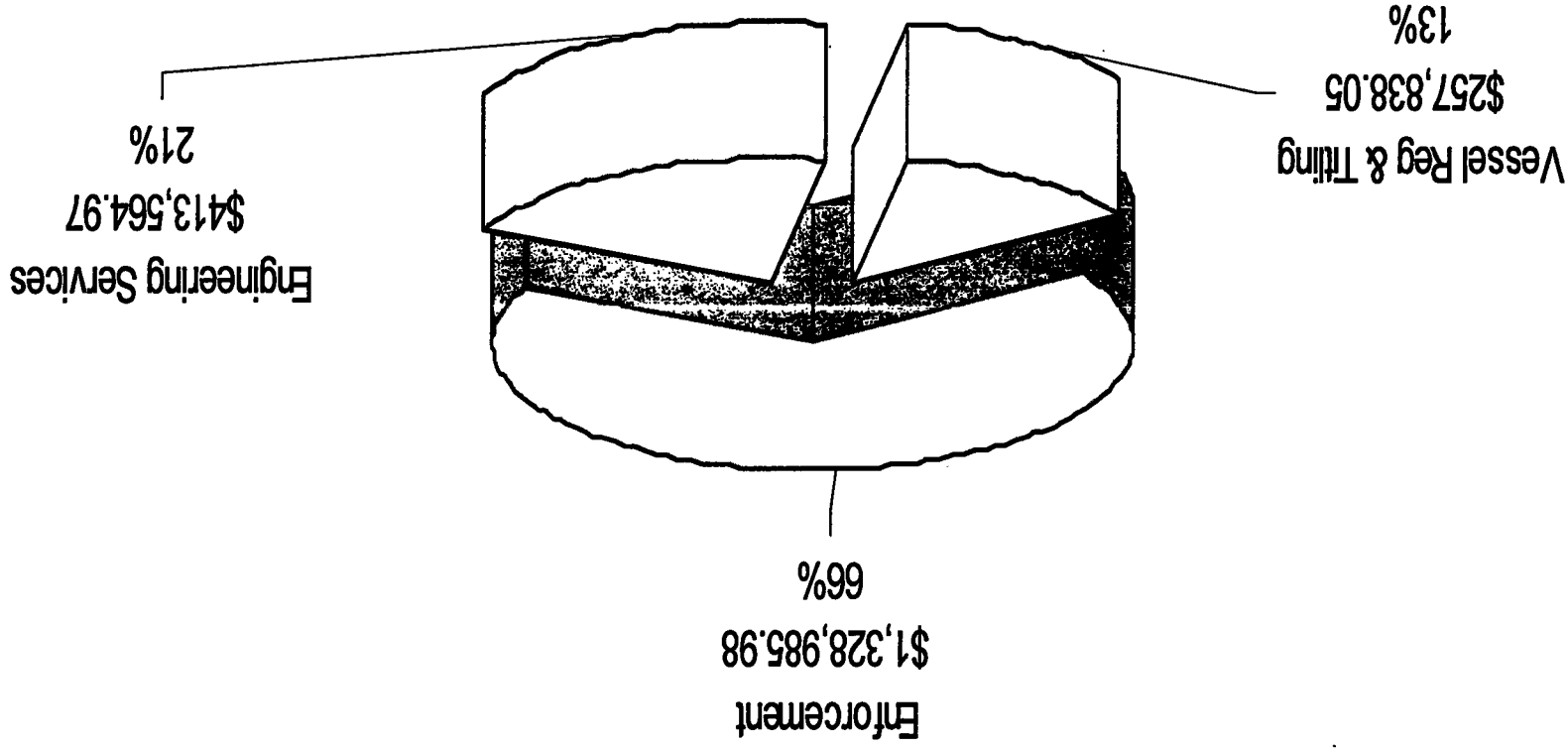
NCWRC FY 2007-2008 Revenues



North Carolina Wildlife Resources Commission — Sources of Funding

Gas Tax Distribution by Divisions

Total for 2007-2008 = \$2,000,389



North Carolina Wildlife Resources Commission

— Sources of Funding

§ 105-449.125. Distribution of tax revenue among various funds and accounts.

The Secretary shall allocate the amount of revenue collected under this Article from an excise tax of one-half cent ($1/2\text{¢}$) a gallon to the following funds and accounts in the fraction indicated: Fund or Account Amount Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund Nineteen thirty-seconds Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund Three thirty-seconds Water and Air Quality Account Five-sixteenths. The Secretary shall allocate seventy-five percent (75%) of the remaining excise tax revenue collected under this Article to the Highway Fund and shall allocate twenty-five percent (25%) to the Highway Trust Fund. The Secretary shall charge a proportionate share of a refund allowed under this Article to each fund or account to which revenue collected under this Article is credited. The Secretary shall credit revenue or charge refunds to the appropriate funds or accounts on a monthly basis. (1995, c. 390, s. 3.)

North Carolina Wildlife Resources Commission

— Sources of Funding

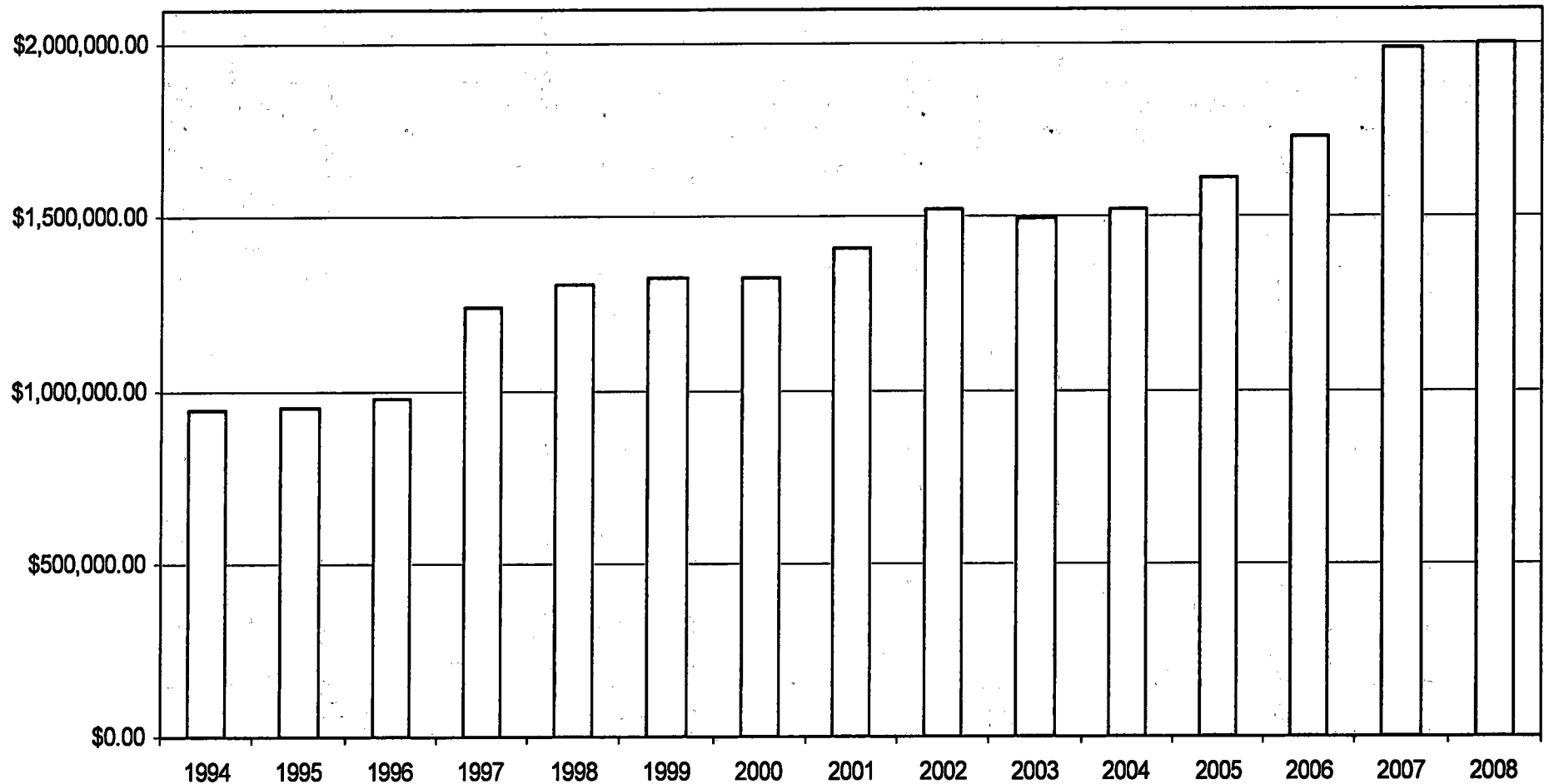
§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources Fund.

The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent ($1/6$ of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this section may be used only for the boating and water safety activities described in G.S. 175A-3(c). The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis. (1995, c. 390, s. 3; c. 507, s. 18.16.)

North Carolina Wildlife Resources Commission

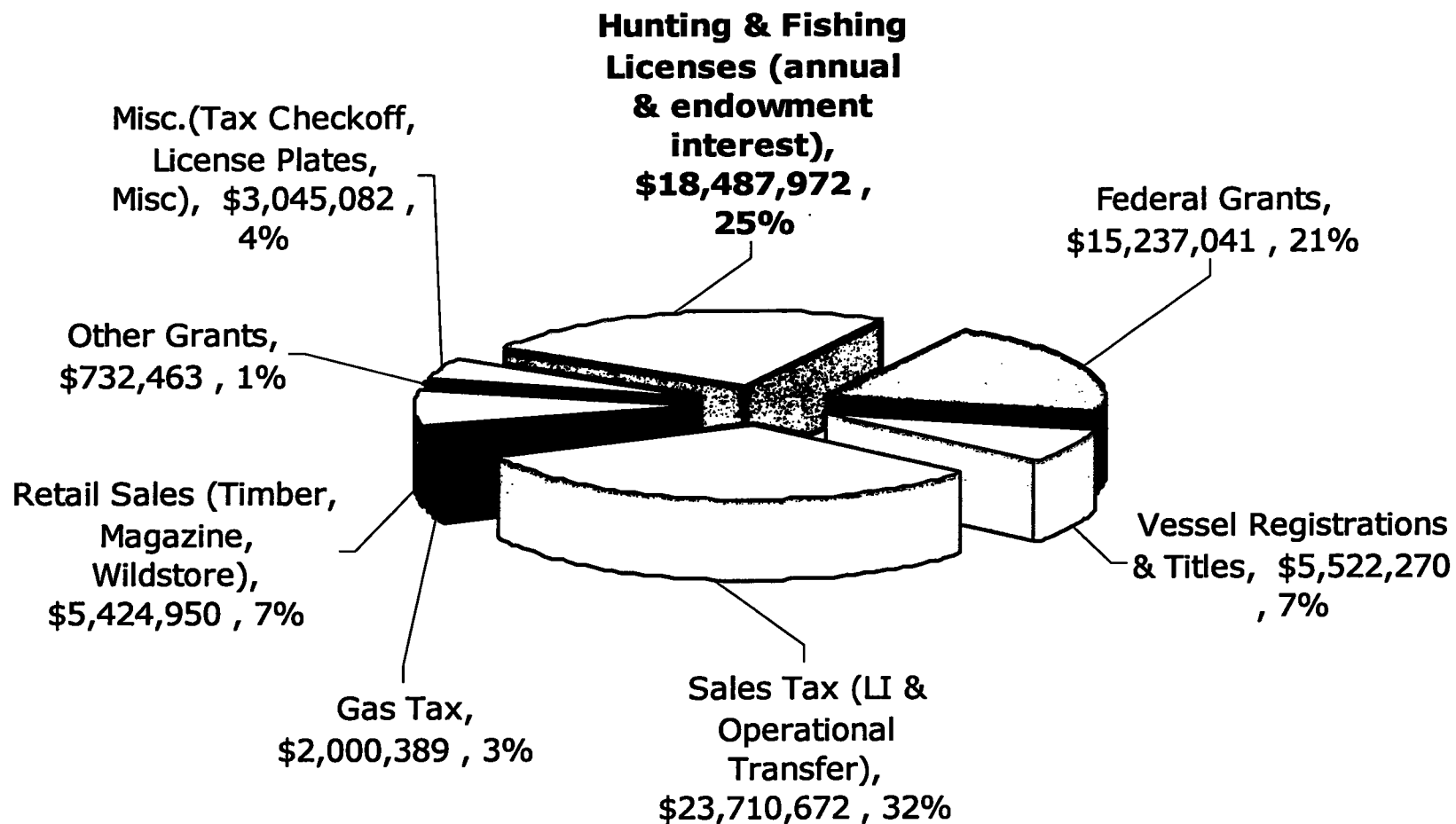
— Sources of Funding

Annual Gasoline Tax Collections



North Carolina Wildlife Resources Commission — Sources of Funding

NCWRC FY 2007-2008 Revenues



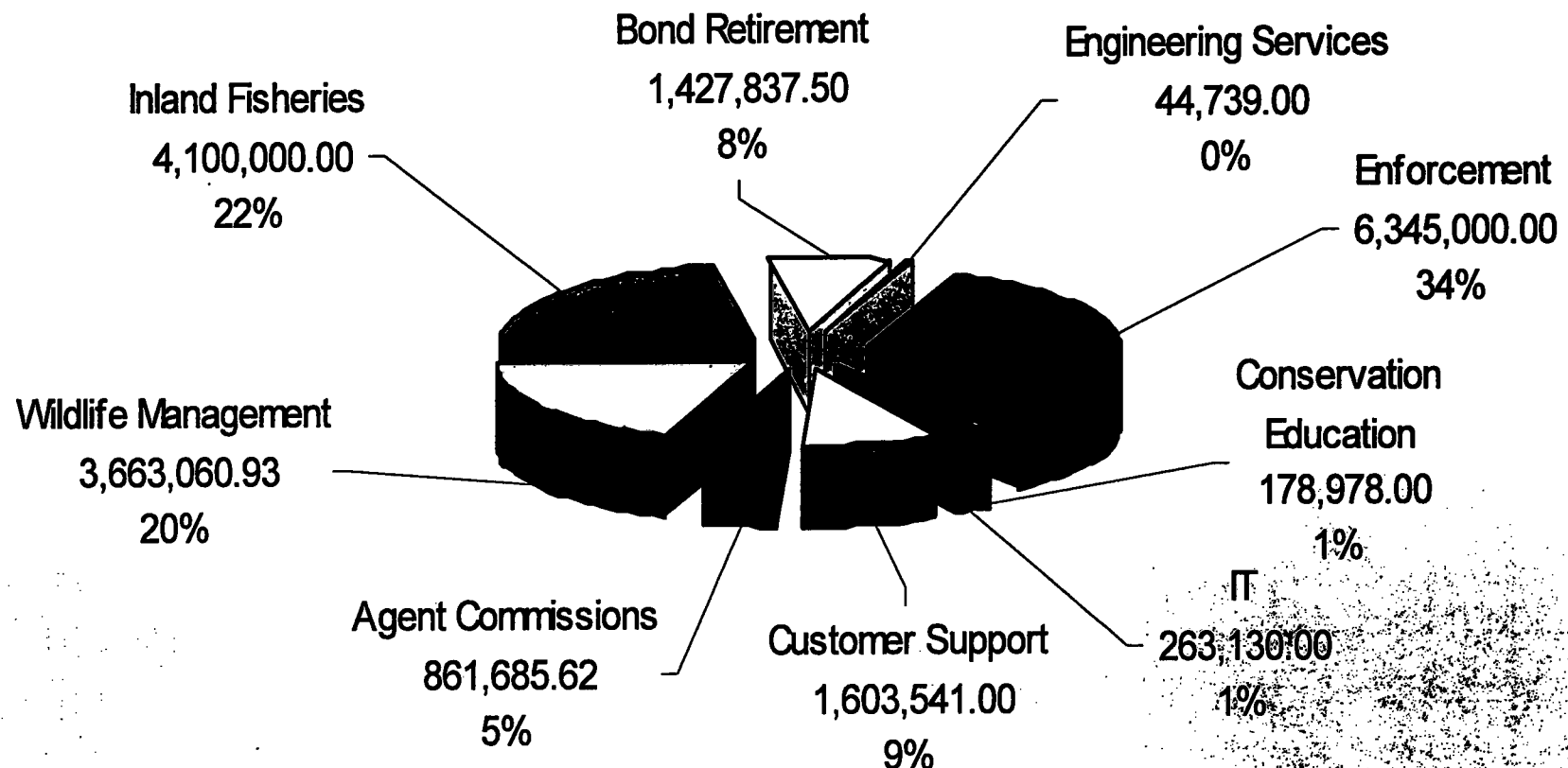
North Carolina Wildlife Resources Commission

— Sources of Funding

Hunting & Fishing Licenses

(annual + endowment interest transfer)

Total 2007-08 = \$18,487,972.05



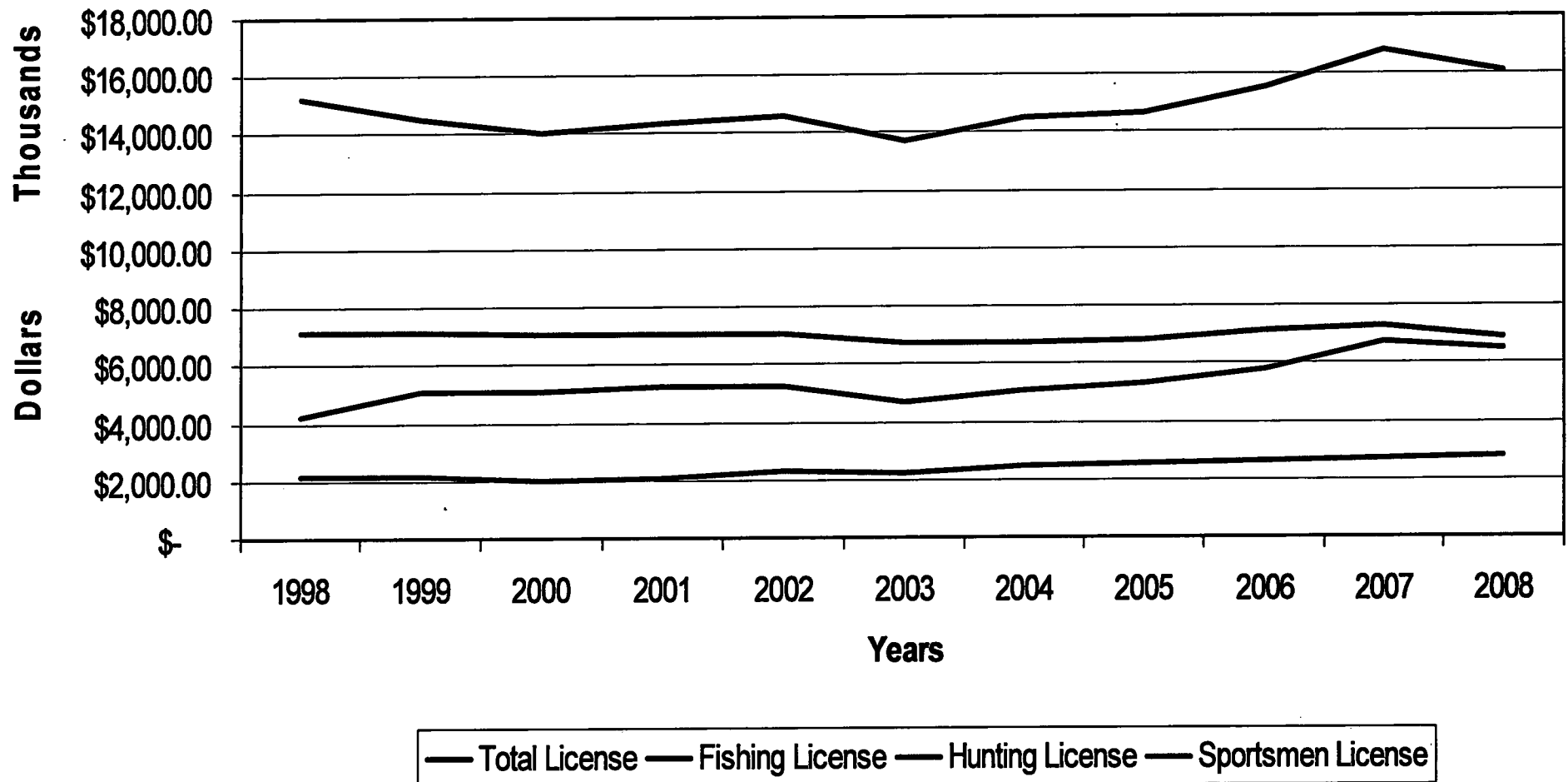
North Carolina Wildlife Resources Commission

— Sources of Funding

- Article 21, Conservation & Development section of the NCGS.
- § 113-270 through § 113-280
- Licenses and Permits Issued by the Wildlife Resources Commission.

North Carolina Wildlife Resources Commission — Sources of Funding

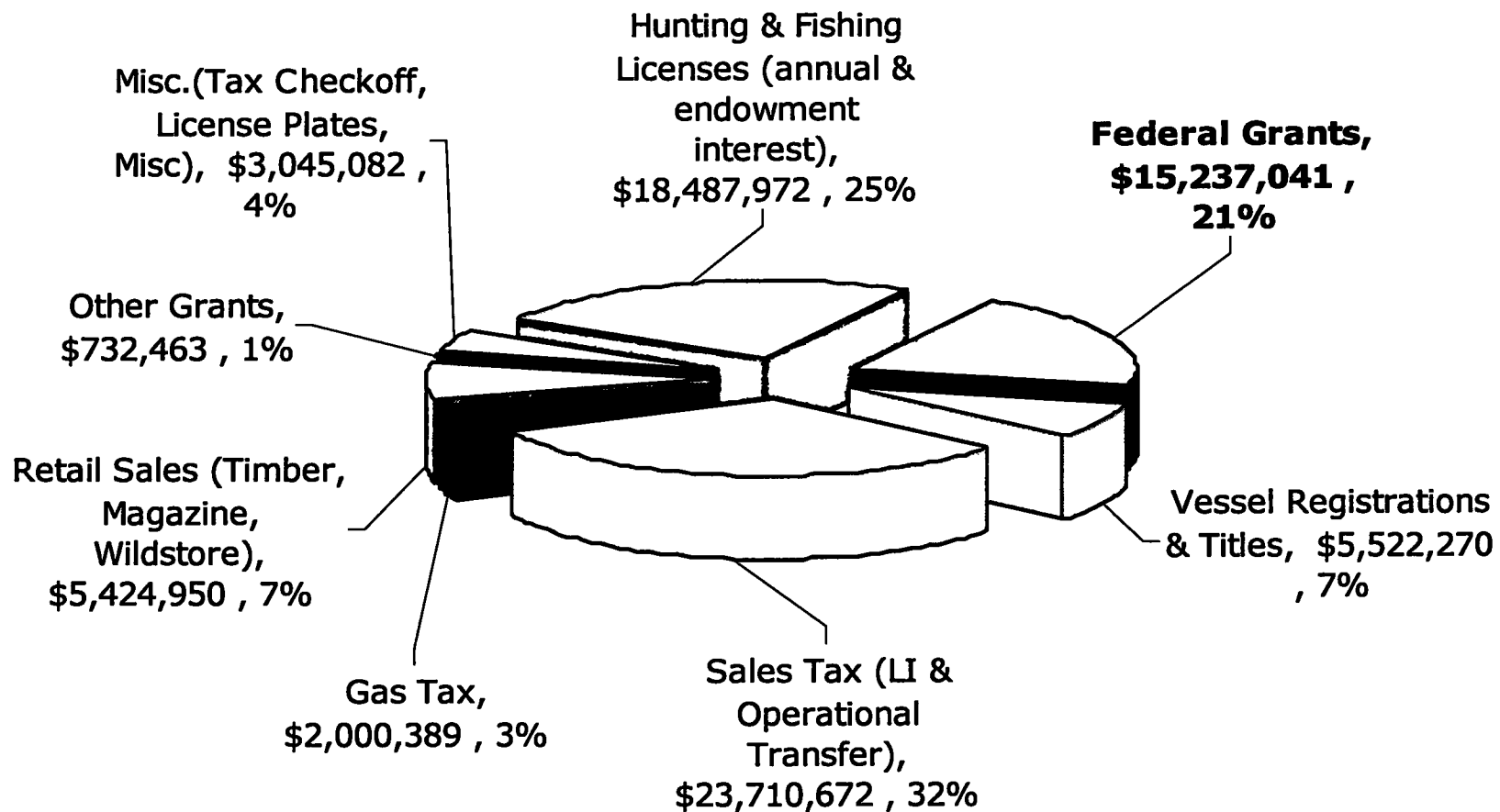
Growth of WRC License Sales



North Carolina Wildlife Resources Commission

— Sources of Funding

NCWRC FY 2007-2008 Revenues

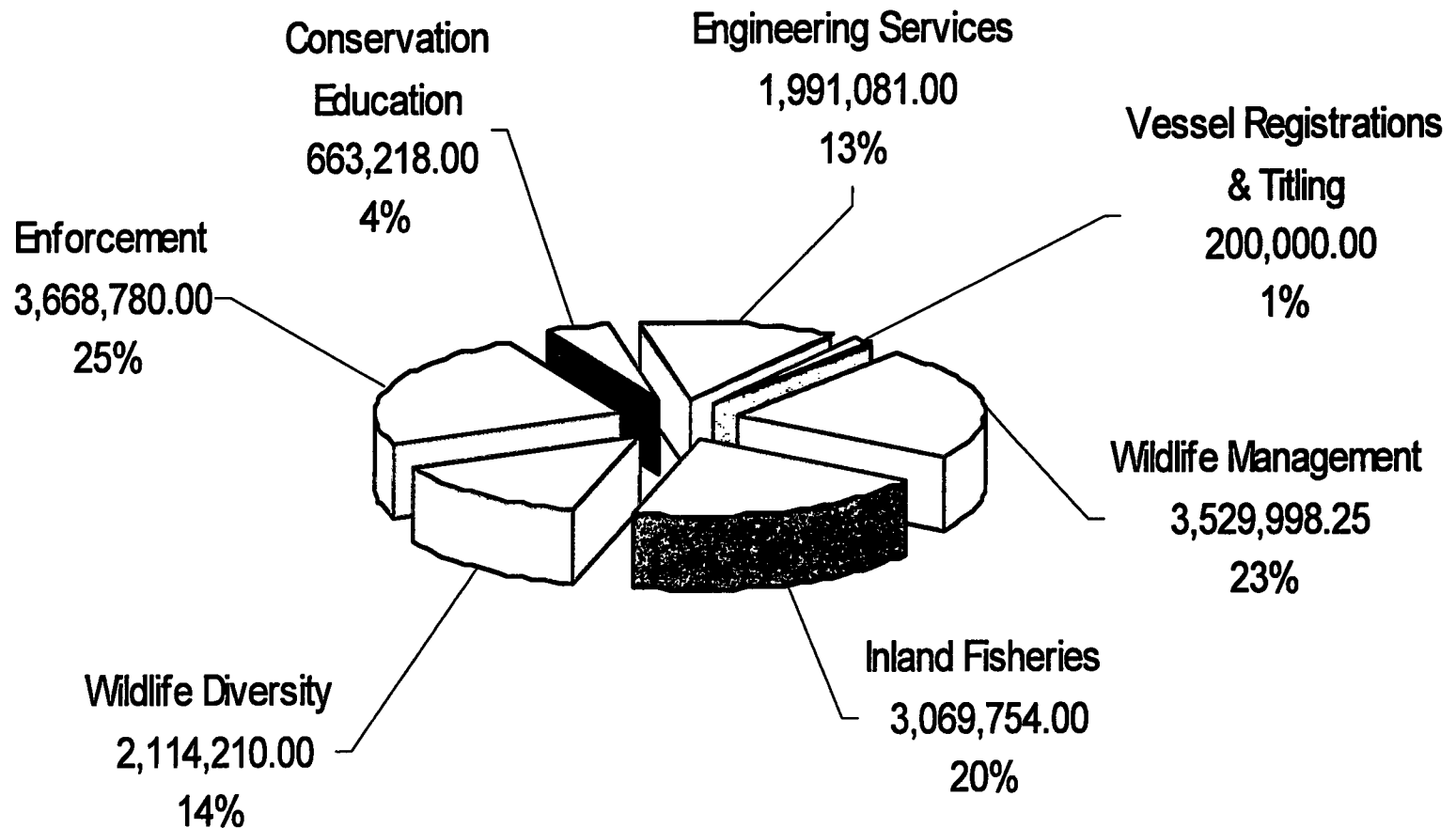


North Carolina Wildlife Resources Commission

— Sources of Funding

Federal Grants

Total 2007-08 = \$15,237,041.25



North Carolina Wildlife Resources Commission — Sources of Funding

Two Main Sources for federal funds:

1: USFWS

A: Pittman-Robertson Act (1937)

B: Dingell Johnson Act (1950)

2: US Coast Guard Boating Safety Grant (1971)

North Carolina Wildlife Resources Commission — Sources of Funding

Two Main Sources for federal funds:

1: USFWS

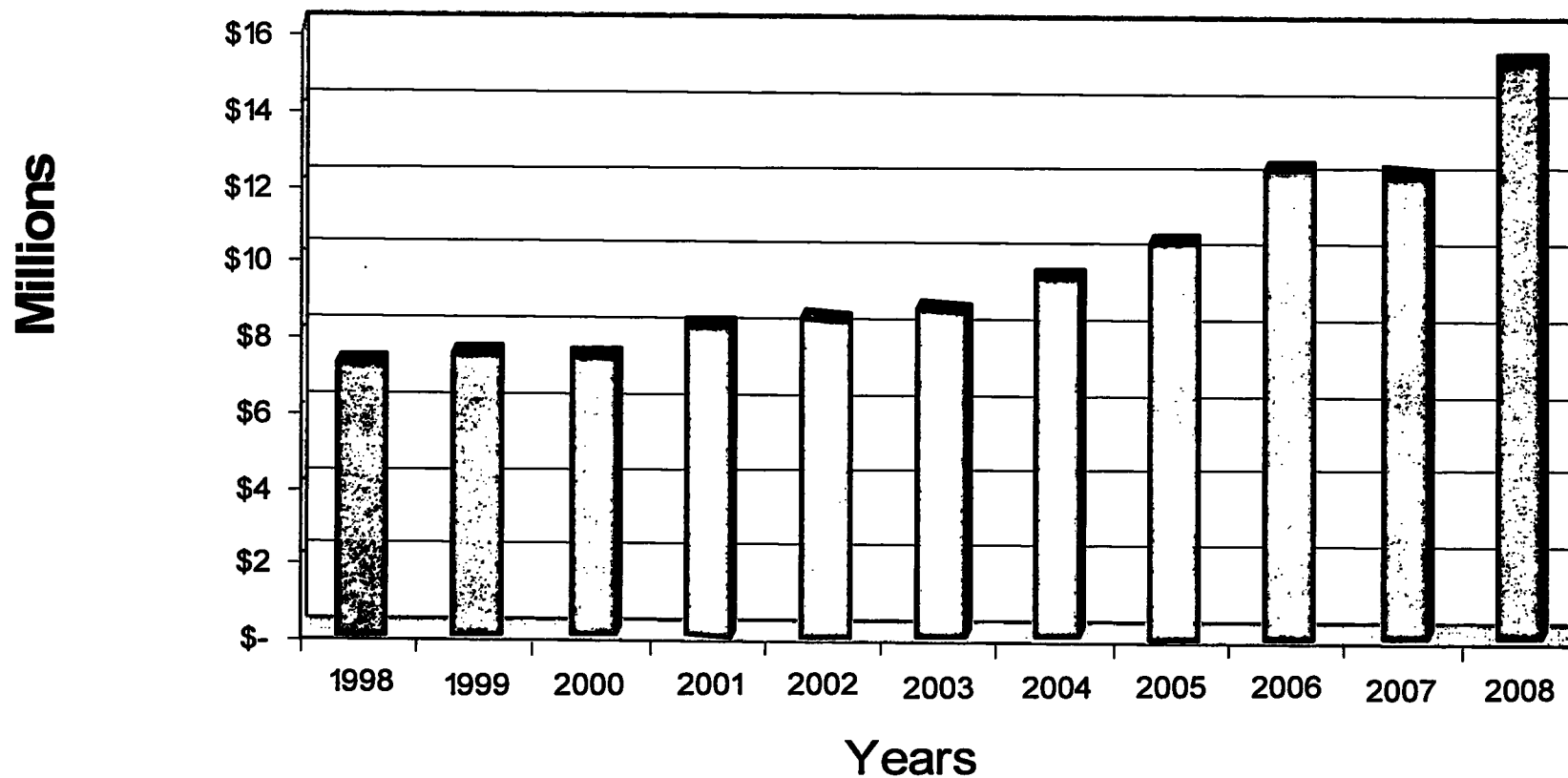
A: Pittman-Robertson Act (1937)

B: Dingell Johnson Act (1950)

2: US Coast Guard Boating Safety Grant (1971)

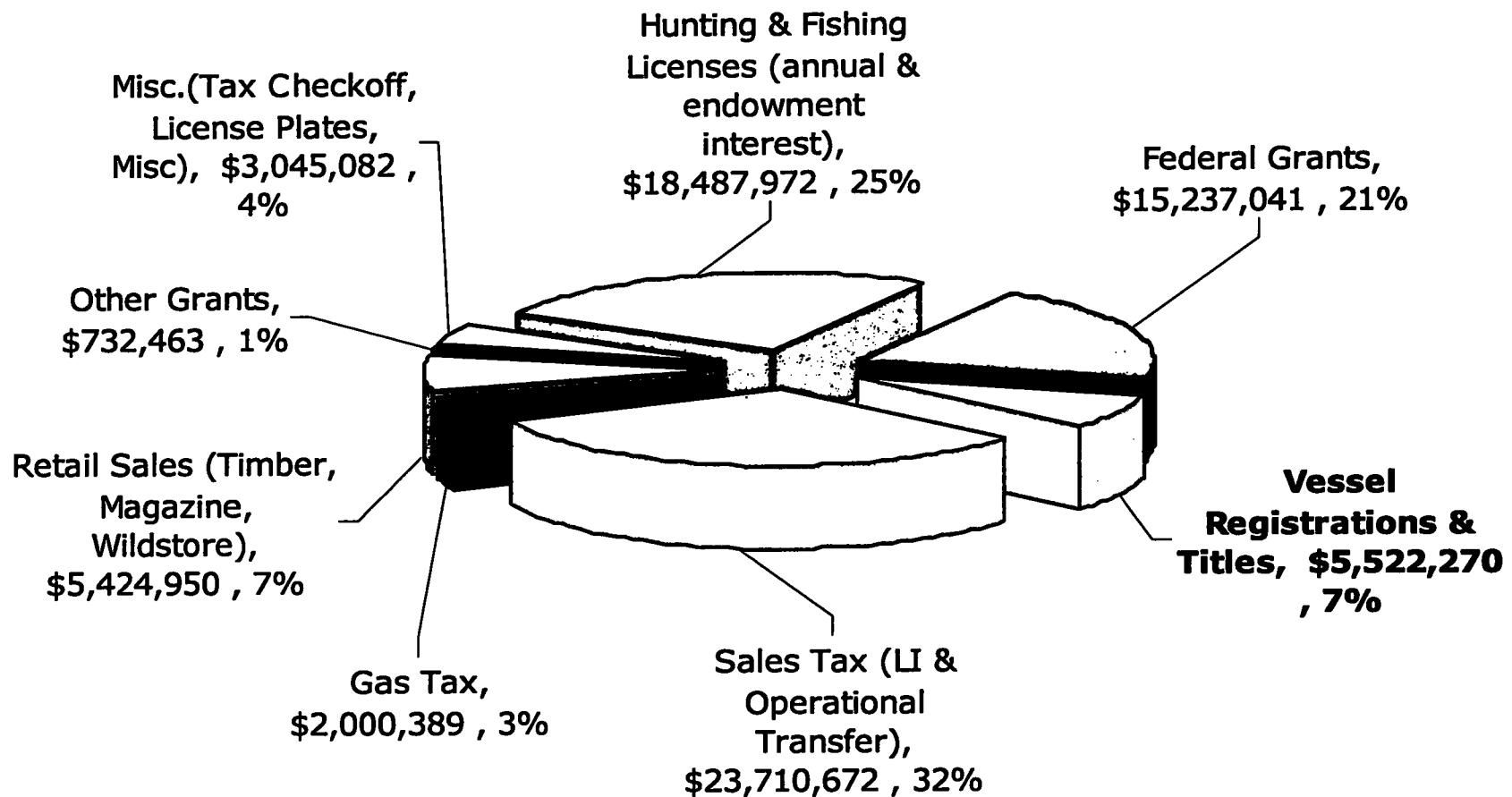
North Carolina Wildlife Resources Commission — Sources of Funding

Total Federal Funds



North Carolina Wildlife Resources Commission — Sources of Funding

NCWRC FY 2007-2008 Revenues

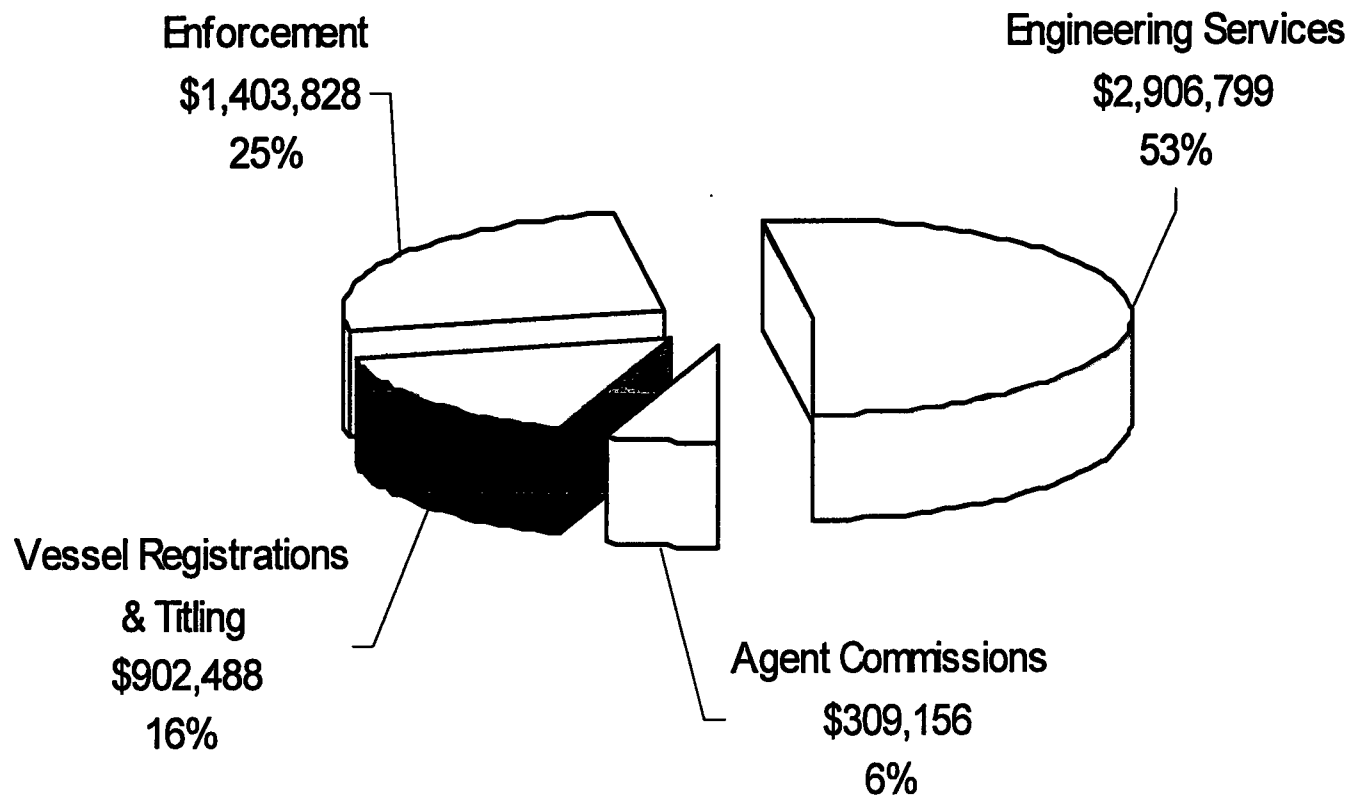


North Carolina Wildlife Resources Commission

— Sources of Funding

Vessel Registrations & Titles

Total 2007-08 = \$5,522,270



North Carolina Wildlife Resources Commission

— Sources of Funding

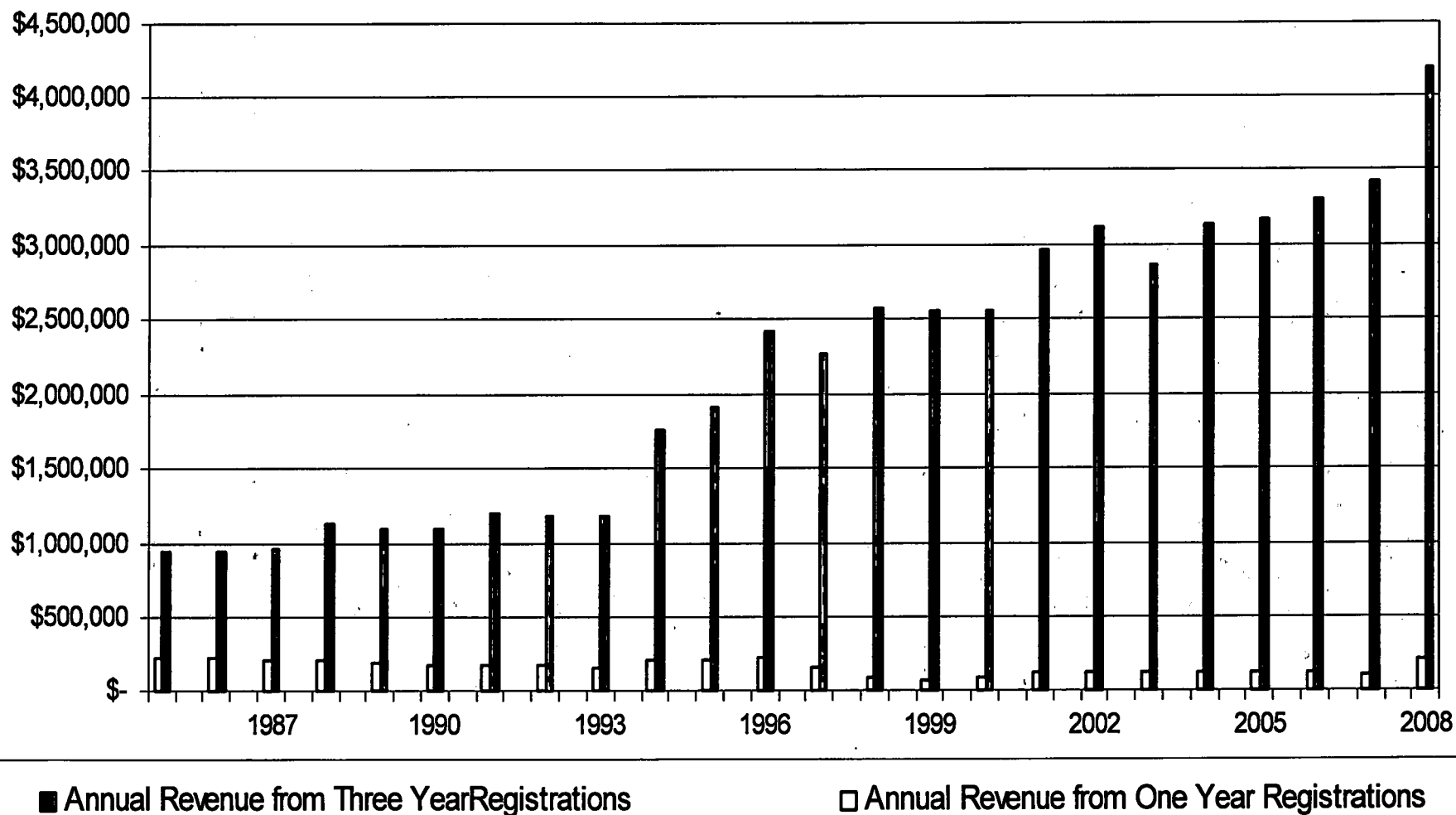
§ 75A-3. Wildlife Resources Commission to administer Chapter; Motorboat Committee; funds for administration.

- (c) The Boating Account is established within the Wildlife Resources Fund created under G.S. 143-250. All moneys collected pursuant to the numbering and titling provisions of this Chapter shall be credited to this Account. Gasoline excise tax revenue is credited to the Account under G.S. 105-449.126. Revenue in the Account shall be used by the Wildlife Resources Commission, subject to the Executive Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for activities relating to boating and water safety including education and waterway marking and improvement; and for boating access area acquisition, development, and maintenance. At least three dollars (\$3.00) of each one-year vessel registration fee and at least nine dollars (\$9.00) of each three-year vessel registration fee collected under the numbering provisions of G.S. 75A-5 shall be used for boating access area acquisition, development, and maintenance. (1959, c. 1064, s. 3; 1961, c. 644; 1963, c. 1003; 1981 (Reg. Sess., 1982), c. 1182, s. 2; 1993, c. 422, s. 1; 1995, c. 390, s. 13; 1999-392, s. 5.)

North Carolina Wildlife Resources Commission

— Sources of Funding

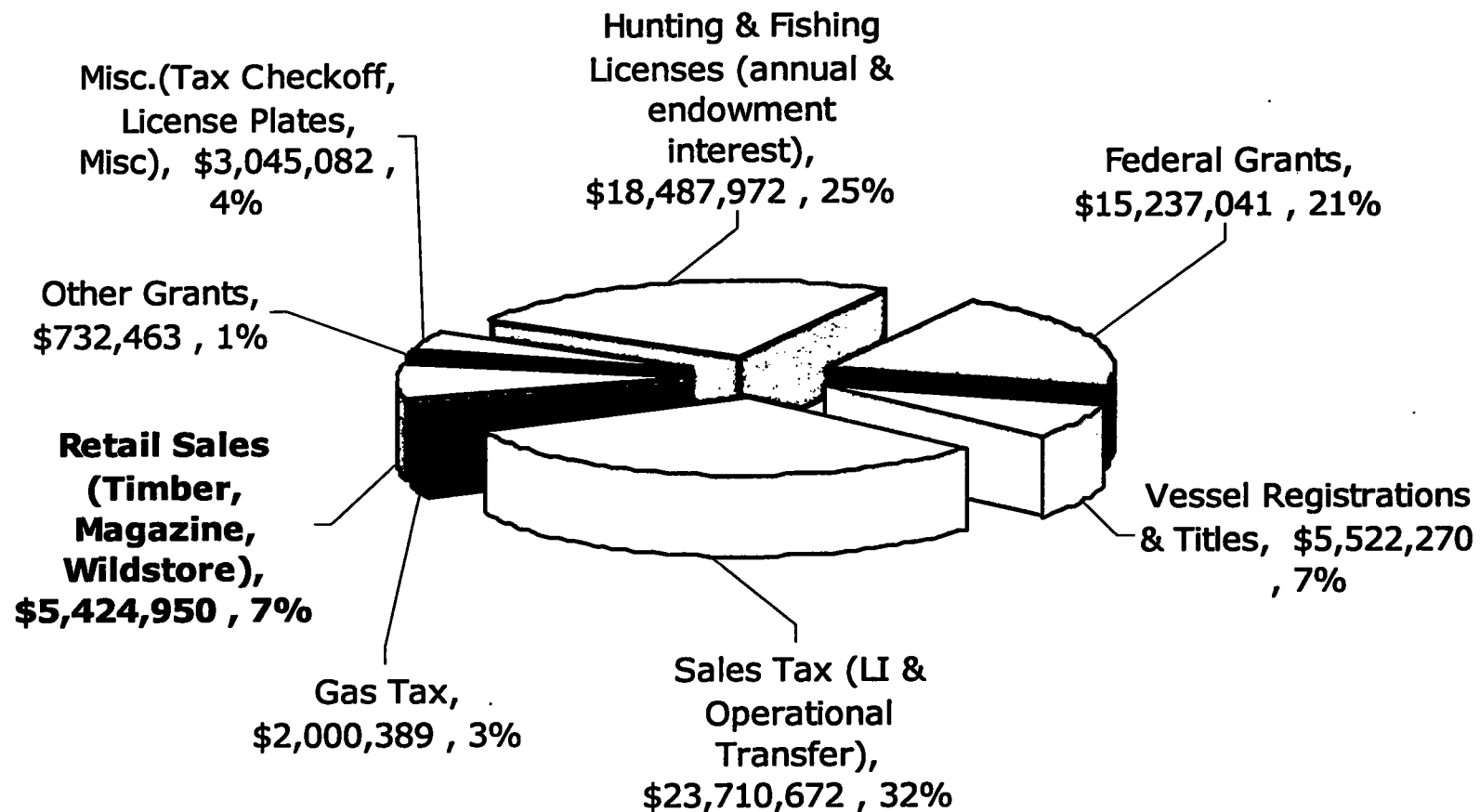
One Yr & Three Yr Vessel Registration Revenue



North Carolina Wildlife Resources Commission

— Sources of Funding

NCWRC FY 2007-2008 Revenues

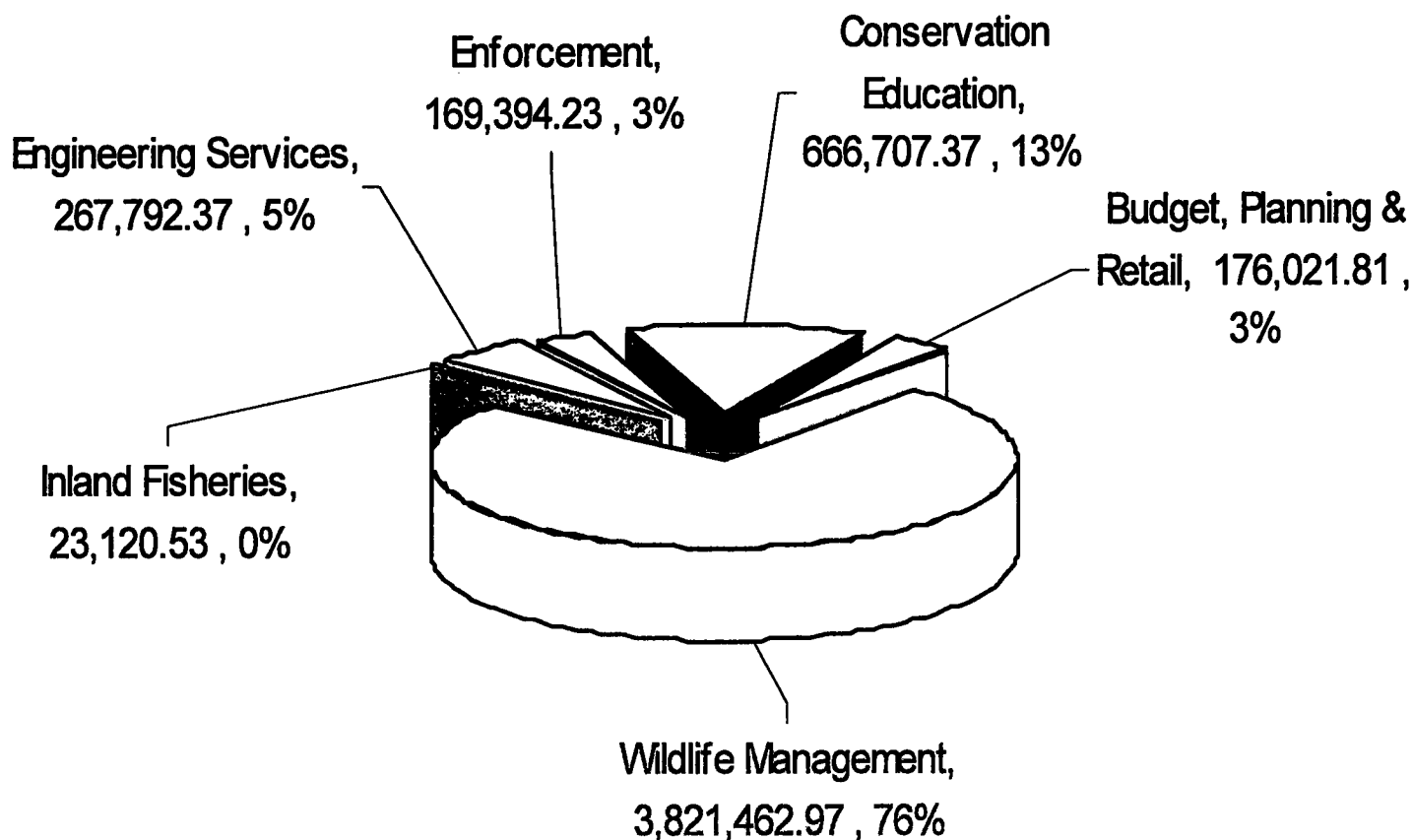


North Carolina Wildlife Resources Commission

— Sources of Funding

Retail Sales (Timber, Magazine, Wildstore, etc.)

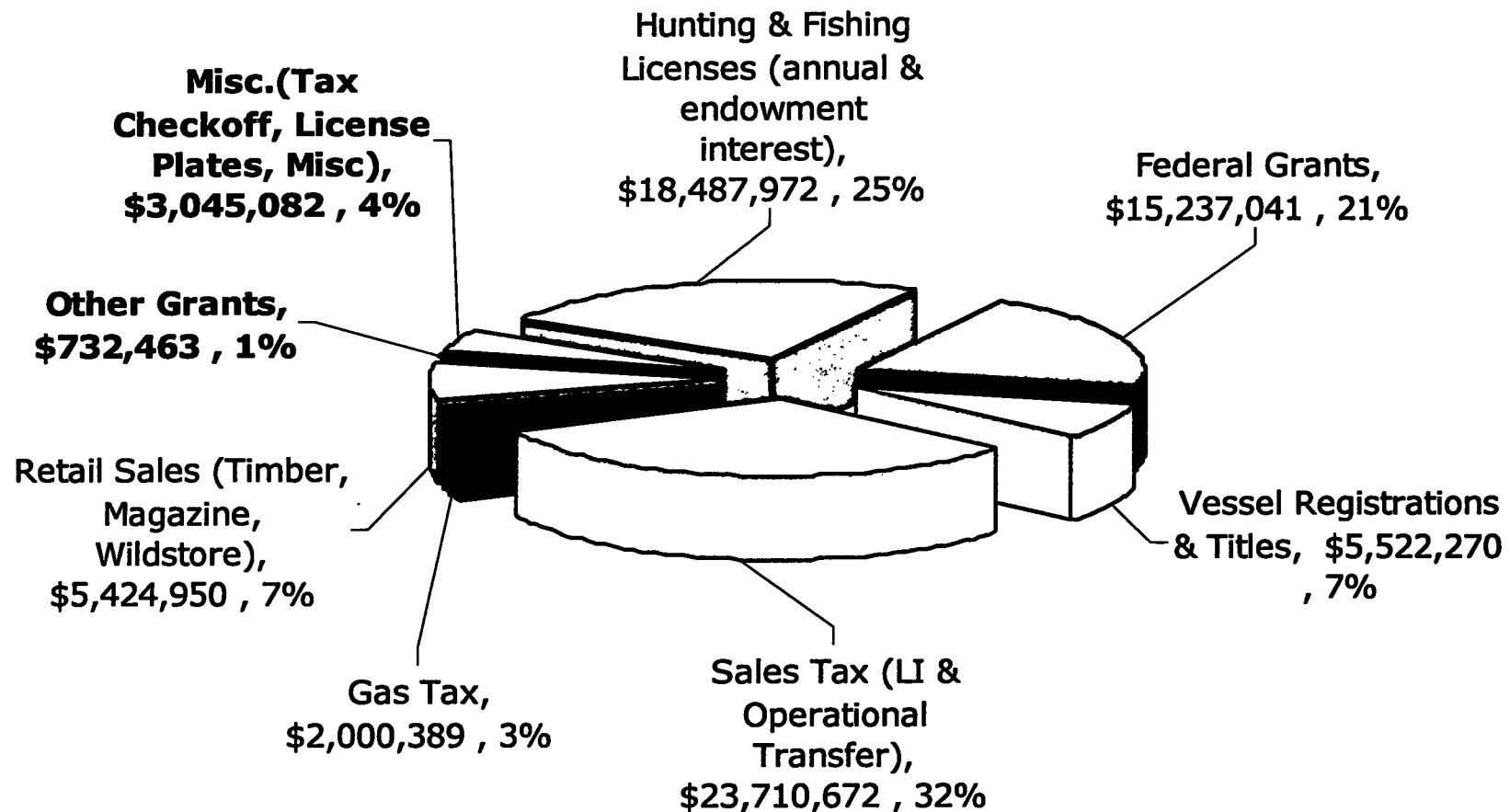
Total 2007-08 = \$5,424,950.10



North Carolina Wildlife Resources Commission

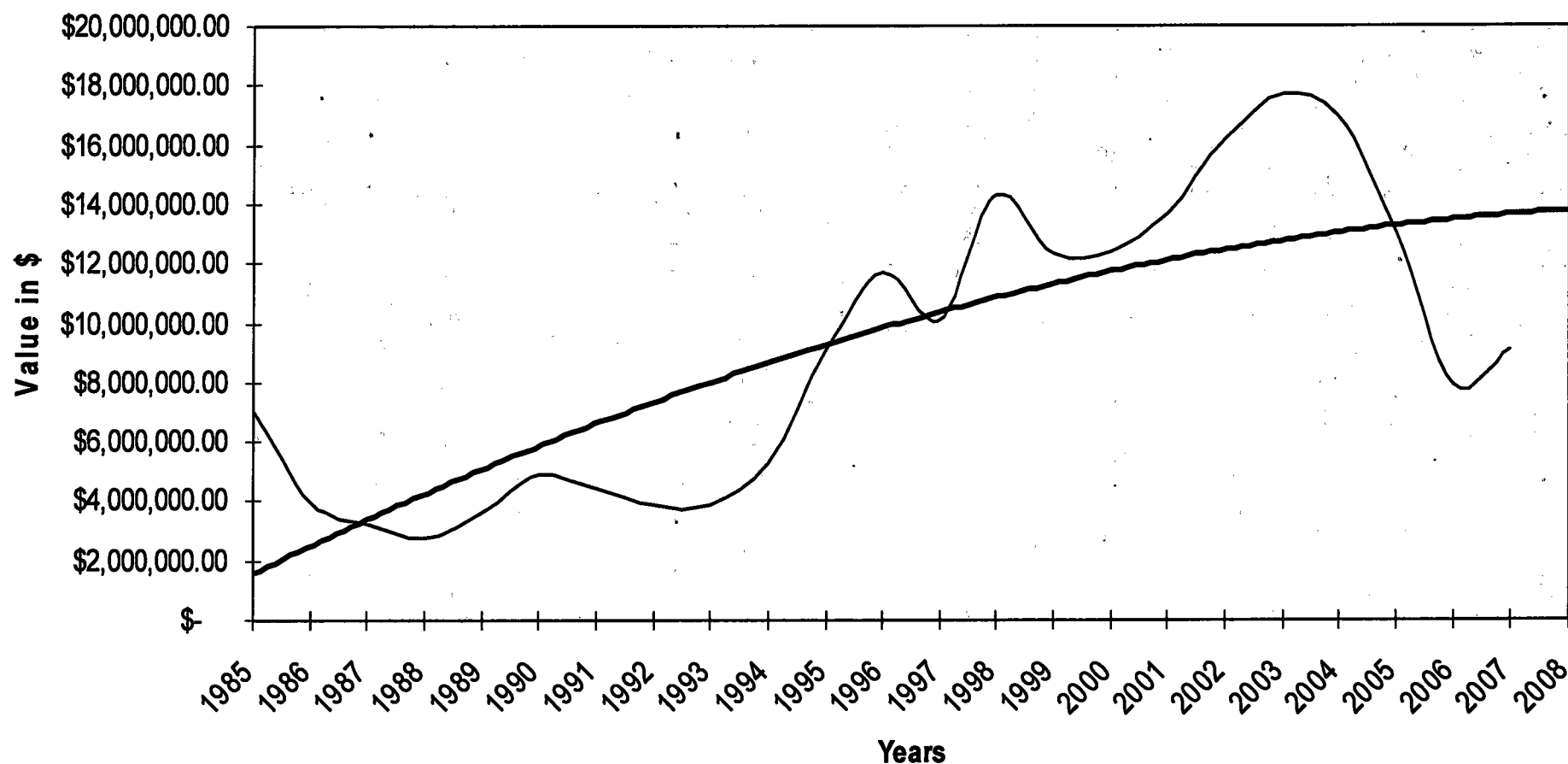
— Sources of Funding

NCWRC FY 2007-2008 Revenues



North Carolina Wildlife Resources Commission — A Receipt Supported Agency

June 30 Operating Cash Balance





HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, March 11, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, March 11, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, Roger West, and Michael Wray, Vice-Chairs; and Representatives Brisson, Cole, Gulley, Love, Lucas, McLawhorn, Rhyne, Spear, and Stiller. Staff Member Susan Sitze was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitor Registration Sheet (Attachments II and III).

Representative Williams, presiding, called the meeting to order at 12:01 p.m. and welcomed the visitors. He recognized Barbara Riley who served as the legislative counsel for the committee and Pam Evans, clerk for the committee. Rep. Williams also recognized Sgt.-in-Arms: Dusty Rhodes, Tom Wilder and Rod Finger; and pages: Parker Lee from Davie County sponsored by Rep. Howard, and Tessica Sheleg from Durham County sponsored by Speaker Hackney.

First on the agenda was HB 39 Require Boating Safety Educations, an act to improve boating safety by requiring boating safety education prior to operating a vessel with a motor of ten horsepower or greater, as recommended by the joint select committee on mandatory boating safety education, sponsored by Rep. Wray. (Attachments IV and V: Bill and Analysis) Rep. Wray was called to explain his bill.

Rep. Wray explained North Carolina currently required persons between the ages of 14 and 16 to take a boating safety course prior to operating a jet ski. The bill added a new section to G.S. 75A-16.2 that required all persons operating a vessel with 10 horsepower or greater motor to comply with boating safety education requirements as set forth in the section. He referred the committee to handouts (Attachment VI) for reference. The enforcement would be phased in over a period of time. For example, for a 20 year old they had until 2011 to comply and for people 50 years or younger they have until 2015. The course could be taken online or by a course or even given verbally.

Chair Williams called upon Rep. McLawhorn for a question. Rep. McLawhorn inquired how much this would cost the state.

Rep. Wray referred to staff to answer. Susan Sitze explained there was a referral to Judiciary III, she did not recall a fiscal impact since this was not a licensing issue. The Wildlife Resources Commission offered courses for free. Of course, some places could offer courses that incurred a fee. However, the Wildlife Commission provided a way to access the course for free and provide proof of course completion although there was not an actual license issued by the Wildlife Commission. There was no anticipated need for additional personnel.

Chair Williams called upon Rep. Cleveland. Rep. Cleveland asked if there was any data on people over the age of 50 or 40 that were involved in boating accidents. He stated he had been running boats for 50 years and now he needed to get someone to tell him how to run a boat. He asked if there was actual data that stated people over age 50 had caused 10% of accidents or that 80% of accidents were caused by people over age 60 within the state of North Carolina.

Rep. Wray requested someone from Wildlife Resources to respond. Chair Williams recognized David Stokes, NC Wildlife. Mr. Stokes referred members to the NC Report of Boating Accidents and Fatalities 2007 booklet (Attachment VII). On page 15 there were 7 fatalities and 29 non-fatal accidents in 2007 for people 60 and over.

Rep. Cleveland asked if people 60 and over caused the accident or were they involved in the accident. Mr. Stokes replied that they were involved, but did not necessarily cause the accident.

Rep. Cleveland asked with his experience of operating a boat would he be required to be certified as confident to operate a boat. Ms. Sitze replied yes he would need to take and pass the course.

Chair Williams recognized Rep. Spears. Rep. Spears asked if running a charter boat exempted them. Susan Sitze replied no, only if they have a commercial license then they would be exempt.

Rep. Rhyne inquired where in the bill stated the course could be offered online. Ms. Sitze responded on page 1 of the bill on lines 15-18 subsection (1) of (b) states, "or another boating safety course that is approved by the National Association of State Boating Law Administrators and accepted by the Wildlife Resources Commission." Currently there was a list of approved courses, which included online courses. Ms. Sitze further stated that the bill did not say specifically courses would be offered online but there were already online courses that were approved. Rep. Rhyne asked how long did it take to complete the course and if a person would need to carry proof they completed the course. Susan Sitze stated that the length of the course varied based depending on where the individual chose to take the course. She believed the Wildlife Commission course was approximately 6 or 8 hours with an instructor, but online it was only 1 to 1-1/2 hours.

Chair Williams called on Joe McClees who indicated the online could take approximately 3 hours.

Rep. Rhyne inquired what proof an individual would need to show a wildlife officer you were in compliance. Ms. Sitze stated that when an individual completed the course they received a certificate of some sort in card form.

Rep. Steen asked if someone had been operating a vessel for more than 40 years what could they learn or gain about safety in a 3 hour course and for someone who had never driven a boat what can they learn in a 3 hour course. Rep. Wray referred question to Wildlife. Chris Huebner, NC Wildlife Enforcement, stated the course would provide an individual with knowledge to build on and statistics showed that experience did not necessarily make you safer. Rep. Steen inquired if the boat manufacturing industry was onboard with this legislation. Ms. Sitze replied yes. In the study committee there were a lot of boating people present. She further stated that the bill was for safety, not revenue in North Carolina.

Rep. Brisson asked if the safety requirement went into effect how would it be promoted educational wise to let the boat owners know they had to take this course. He asked if a game warden came by and he didn't have a certificate in his pocket because he was unaware of the change, what would happen. Also, what was the timeframe for him to take this training and how would he know to take the course online. In addition, Rep. Brisson asked if the Wildlife Commission would provide safety courses in different areas. Rep. Wray stated that the Wildlife Commission had agreed to promote the change and to get information out to the public. Rep. Wray requested staff to respond to the other questions. Susan Sitze replied the penalties in the statute are an infraction. However, for a first offense if you were charged and between that time and your court date you completed and course and were able to show the court proof that you completed the course, then that charge would be dismissed. If an individual was stopped and they did not have knowledge they needed to complete the course, then they would be given a one time opportunity to go get the course and prove they had taken it without actually getting an infraction and fine. If after that one time, you don't have it or don't go complete the course, then it is an infraction and a fine of \$100. Rep. Brisson asked if Ms. Sitze was also talking about court costs. Susan Sitze replied there would be no court costs. It is an infraction, \$100 fine and no court costs.

Rep. Gulley inquired if an individual had to retake the course after a certain period of time. Susan Sitze responded no, it was a one time event.

Rep. Lucas stated North Carolina was one of the few states on the east coast not to have a course requirement for safety. He felt there needed to be some safety regulations and appreciated the study commission's recommendation.

Bill Gossand, National Transportation Safety Board stated strong support for HB39. Referred committee to reading materials on safety (Attachment VIII) He stated that North Carolina was one of the few states that remained without boater education and the National Transportation Safety Board wanted boater education to be universal across the national.

Pete Deschenes with the Lake Gaston Association and Lake Gaston Water Safety Council stated their membership was approximately 2,000 people and expressed support for HB 39.

Rep. Stiller stated he was an original member of the study committee and planned to vote against the bill. He expressed concern that all the data looked at (approx. 85%) involving accidents occurred in lakes. It seemed that 90% of the problems were in the lakes and 90% of the boats were on the coast. If the bill only pertained to lakes, then he would support it.

Rep. Lucas made motion for a favorable report and recommendation that the bill be re-referred to the committee on Judiciary III. Motion passed seven to six. (Attachment IX)

The next bill was HB 105, Clarify Interstate Wildlife Violator Compact, an act to clarify that the interstate wildlife violator compact includes violations of marine resources law, as recommended by the joint legislative commission on seafood and aquaculture, sponsored by Rep. Wainwright (Attachments X and XI – bill and analysis) Rep. Wainwright was called to explain his bill.

Rep. Wainwright explained under current law North Carolina had adopted the Interstate Wildlife Violator Compact in 2008 in an attempt to establish a reciprocal program to promote compliance with various marine laws. Section 1 of the bill clarified that the use of the term “wildlife” to include all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources. Section 2 of the bill provided that the chair of the Wildlife Resources Commission would consult with the chair of the Marine Fisheries Commission and the Fisheries Director in appointing the Compact Administrator for North Carolina. It authorized the Secretary of Environment and Natural Resources, the Division of Marine Fisheries to suspend or revoke the hunting and fishing licenses under the Compact. It also provided that the Wildlife Resources Commission and the Marine Fisheries Commission should adopt rules to govern this Compact.

Chair Williams called upon Rep. Stiller. Rep. Stiller made motion for a favorable report and recommendation that the bill be re-referred to the committee on Marine Resources and Aquaculture. Motion carried. (Attachment XII)

Chair Williams stated the next bill on the agenda was HB 97 Active Duty Hunting/Fishing License Exemption, an act to provide that residents of this state who are serving on full-time active military duty outside this state in the armed forces of the United States or a reserve component of the armed forces of the United States may hunt or fish while on leave in this state without obtaining a license. (Attachments XIII and XIV-bill and analysis) Chair Williams called upon Rep. Killian to explain his bill.

Rep. Killian stated he served an active member of the Army Reserves on the European staff in Germany. Last year he was fortunate to work with Tech. Sgt. Ken Phillips from Robeson County. Rep. Killian asked Tech. Sgt. Phillips if he ever went home and his answer was no because he was an avid hunter and it was difficult for him to obtain a hunting and fishing license. Because of this conversation, Rep. Killian stated that he contacted Wildlife Resources Commission and filed a bill as an incentive for residents of North Carolina who were serving in the military around the world or outside of this state to come home. This would maintain their connections to North Carolina so when they

finished their service they might actually move back and stay in North Carolina. The bill would allow an individual actively serving in the military an opportunity to come home on leave to hunt or fish in North Carolina without obtaining that privilege license. If stopped by a wildlife officer, that individual would need to show proof of active military duty with an ID card or a copy of their orders and proof they were still residents of North Carolina. Wildlife accepted driver's license, tax records or a lot of other things to show proof of residency. The fiscal note stated it is unable to determine costs since this was a small percentage of the population of residents in the state who might choose to come back to hunt or fish. The Wildlife Resources Commission supports the bill.

Chair Williams called on Rep. Lucas. Rep. Lucas asked if there were any provisions to insure that a military person was aware of the bag limits in the state. Rep. Killian responded there are no provisions in the bill; however, that person was still responsible for maintaining the laws of this state. He called upon Wildlife Commission for further explanation.

Kenneth Everhart from NC Wildlife was recognized and stated that individual was still responsible for taking a hunter's safety course. Rep. Love stated he had a problem with a man from Roberson County, who had hunted all over the world and he stayed away from North Carolina because he could not obtain a hunting license, was going to find time to take the hunter's safety course.

Rep. Stiller inquired if it was correct that he still had to take the hunter's safety course. Kenneth Everhart replied that was correct. He did not necessarily have to take the course in North Carolina, but could take it in another state. Rep. Stiller asked if the bill pertained only to soldiers who were on active are here on leave. Rep. Killian replied yes it was for citizens of North Carolina who were serving outside of the state. They would have to show their leave form, which they should have on them if requested by a wildlife resources officer while they are out hunting or fishing.

Rep. Gulley made motion for a favorable report and recommendations that the bill be re-referred to the committee on Finance. Motion carried. (Attachment XV)

Rep. West made motion to adjourn, seconded by Rep. Stiller. Meeting was adjourned at 12:56 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

**Wednesday, March 11, 2009
Room 415 LOB
12:00 Noon**

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

- H39 Require Boating Safety Education – Reps. Wray, Wilkins, Williams, and Faison**
- H97 Active Duty Hunting/Fishing License Exemption – Reps. Killian, Sager, McElraft and Guice**
- H105 Clarify Interstate Wildlife Violator Compact – Rep. Wainwright**

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

March 11, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Gossard	NTSB - office of Safety Res. and Accomplishment
Pat McElroy	Legislator
Joe McClure	McClure Consulting Inc
Reid Gilliam	Rep.
EFTON SAGER	REP.
Pete Deschewes	Lake Gaston Assoc.
BOB HEDGEPEY	LAKE GASTON WATER SAFETY COUNCIL
JOHN CATALDO	LAKE GASTON ASSOCIATION
S Henri McPhees	McPhees Consulting, Inc.
Tracy Kimbrell	Parker Poe
Elizabeth Biser	DENR

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

March 11, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MALLORY G. MARTIN	NC WILDLIFE
Chris Huebner	NC Wildlife Enforcement
David Stokes	NC Wildlife Enforcement
MARY Alice Chapin	General Interest Retired Educator - Volunteer
CAROLYN W. HARDING	RETIRED EDUCATOR - GENERAL INTEREST - BEAUFORT CO.
Barbara Snow	educator - Delta Kappa Gamma Beaufort County
Rebecca Rogers	Education Beaufort County
Paul Pully	NCAJ
Shannon Smith	NCGA
Mary Cappa	LA-Rep. Michael H. Wray
Mary Dye	Onslow County Schools

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Name of Committee

March 11, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mary Theallister
Kenneth Everhart

Ansley Co. - Schools.
NC Wildlife

David Boaz

MWC

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 39*

Short Title: Require Boating Safety Education.

(Public)

Sponsors: Representatives Wray, Wilkins, Williams, Faison (Primary Sponsors);
Allen, Bryant, Earle, Goforth, Harrison, Lucas, Pierce, Sutton, Tolson,
Wainwright, Womble, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY
EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN
HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75A of the General Statutes is amended by
adding a new section to read:

"§ 75A-16.2. Boating safety education required.

(a) No person shall operate a vessel with a motor of 10 horsepower or greater on the
public waters of this State unless the operator has met the requirements for boating safety
education in accordance with the age provisions established in subsection (c) of this section.

(b) A person shall be considered in compliance with the requirements of boating safety
education if the person does one of the following:

(1) Completes and passes the boating safety course instituted by the Wildlife
Resources Commission under G.S. 75A-16.1 or another boating safety
course that is approved by the National Association of State Boating Law
Administrators (NASBLA) and accepted by the Wildlife Resources
Commission;

(2) Passes a proctored equivalency examination that tests the knowledge of
information included in the curriculum of an approved course;

(3) Possesses a valid or expired license to operate a vessel issued to maritime
personnel by the United States Coast Guard;

(4) Possesses a State-approved nonrenewable temporary operator's certificate to
operate a vessel for 90 days that was issued with the certificate of number
for the vessel, if the boat was new or was sold with a transfer of ownership;

(5) Possesses a rental or lease agreement from a vessel rental or leasing business
that lists the person as the authorized operator of the vessel;

(6) Properly displays Commission-issued dealer registration numbers during the
demonstration of the vessel;

(7) Operates the vessel under onboard direct supervision of a person who is at
least 18 years of age and who meets the requirements of this section;



- (8) Demonstrates that he or she is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state or nation of residency;
- (9) Has assumed operation of the vessel due to the illness or physical impairment of the initial operator, and is returning the vessel to shore in order to provide assistance or care for the operator; or
- (10) Is registered as a commercial fisherman or a person who is under the onboard direct supervision of a commercial fisherman while operating the commercial fisherman's boat.

Any person who operates a vessel with a motor of 10 horsepower or greater on the waters of this State shall, upon the request of a law enforcement officer, present to the officer a certification card or proof that the person has complied with the provisions of this section.

(c) Enforcement of the requirement for boating safety education shall be phased in as follows:

- (1) Vessel operators 20 years of age or younger shall meet the requirements by July 11, 2011;
- (2) Vessel operators 30 years of age or younger shall meet the requirements by July 11, 2012;
- (3) Vessel operators 40 years of age or younger shall meet the requirements by July 11, 2013;
- (4) Vessel operators 45 years of age or younger shall meet the requirements by July 11, 2014;
- (5) Vessel operators 50 years of age or younger shall meet the requirements by July 11, 2015;
- (6) All vessel operators, regardless of age, shall meet the requirements by July 11, 2016.

(d) Any person who violates a provision of this section or a rule adopted pursuant to this section is guilty of an infraction, as provided in G.S. 14-3.1, and the court shall assess a penalty of one hundred dollars (\$100.00) and no court costs for each violation. A person may not be convicted of violating this section if, when tried for the offense, the person produces in court a certification card or proof that the person has completed and passed a boating safety course in compliance with subdivision (b)(1) of this section.

(e) No unit of local government shall enact any ordinance or rule relating to boating safety education, and this law preempts all existing ordinances or rules."

SECTION 2. G.S. 75A-13.3(b) reads as rewritten:

"§ 75A-13.3. Personal watercraft.

...

(b) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, and it is unlawful for the owner of a personal watercraft or a person who has temporary or permanent responsibility for a person under the age of 16 to knowingly allow that person to operate a personal watercraft. A person of at least 14 years of age but under 16 years of age may operate a personal watercraft on the waters of this State if:

- (1) The person is accompanied by a person of at least 18 years of age who physically occupies the ~~watercraft~~; watercraft and who is in compliance with G.S. 75A-16.2; or
- (2) The person (i) possesses on his or her person while operating the watercraft, identification showing proof of age and a boating safety certification card issued by the ~~Commission~~ or Commission, proof of other satisfactory completion of a boating safety education course approved by the National Association of State Boating Law Administrators (~~NASBLA~~); (NASBLA).

1 or proof of other boating safety education in compliance with
2 G.S. 75A-16.2; and (ii) produces that identification and ~~certification card~~
3 proof upon the request of an officer of the Commission or local law
4 enforcement agency.

5 "

6 **"SECTION 3.** This act is effective when it becomes law, and enforcement shall take effect
7 as provided in G.S. 75A-16.2(c), as enacted in this act.



HOUSE BILL 39: Require Boating Safety Education

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary III	Date:	March 9, 2009
Introduced by:	Reps. Wray, Wilkins, Williams, Faison	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 39 is a recommendation of the Joint Select Committee on Boating Safety Education. The bill would phase in a requirement that all boaters take an approved boating safety course before operating a vessel.*

[As introduced, this bill was identical to S43, as introduced by Sen. Jones, which is currently in Senate Commerce.]

CURRENT LAW: North Carolina currently requires persons between the ages of 14 and 16 to take a boating safety education course prior to operating a jet ski. G.S. 75A-13.3.

BILL ANALYSIS: *Section 1* of House Bill 39 adds a new section to the Boating Safety Act, Article 1, of Chapter 75 of the General Statutes. The new section, G.S. 75A-16.2, requires all persons operating a vessel with a 10 horsepower or greater motor to comply with the boating safety education requirements set forth in the section.

Compliance with the boating safety education requirements.

Compliance with the requirements of the section is attained by:

- Completing and passing a boating safety course given by the Wildlife Resources Commission (WRC) or a course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the WRC.
- Testing out by passing a proctored equivalency exam.
- Possessing a valid or expired Coast Guard license.
- Possessing a State approved, nonrenewable temporary operator's certificate to operate a vessel for 90 days that is to be issued with the certificate of number to the purchaser of a boat.
- Possessing a rental/lease agreement from a boat rental business listing the person as the authorized operator of the boat.
- Operating the vessel under the direct supervision of a person 18 years of age or older who complies with the requirements of the statute.
- Showing that they are not a resident, are temporarily in the State boating for a period of 90 days or less, and that they meet the boating safety education requirements of their home state.
- Being a registered commercial fisherman or under the direct supervision of a registered commercial fisherman while operating the commercial fisherman's boat.

A person who has to assume the operation of a vessel due to illness or the physical impairment of the original operator does not have to have complied with the provisions of the Statute to return the boat to shore to provide assistance or care for the operator.

A person operating a vessel with a 10 horsepower or more motor shall, on request of a law enforcement officer, present the officer with a certification card or other proof of compliance with the section.

House Bill 39

Page 2

Phase in of education requirement.

Enforcement of the boating safety education requirement shall be phased in according to the following schedule:

▪ Vessel operators 20 years or younger	July 11, 2011.
▪ Vessel operators 30 years of younger	July 11, 2012
▪ Vessel operators 40 or younger	July 11, 2013
▪ Vessel operators 45 or younger	July 11, 2014
▪ Vessel operators 50 or younger	July 11, 2015
▪ All vessel operators	July 11, 2016

Penalties

Persons who violate the act are guilty of an infraction and subject to a penalty of \$100 and no court costs for each violation. A person shall not be convicted of a violation if, at hearing, the person produces in court a boating safety education certification card or proof that the person has taken and passes a course in compliance with the requirements of this section.

Preemption

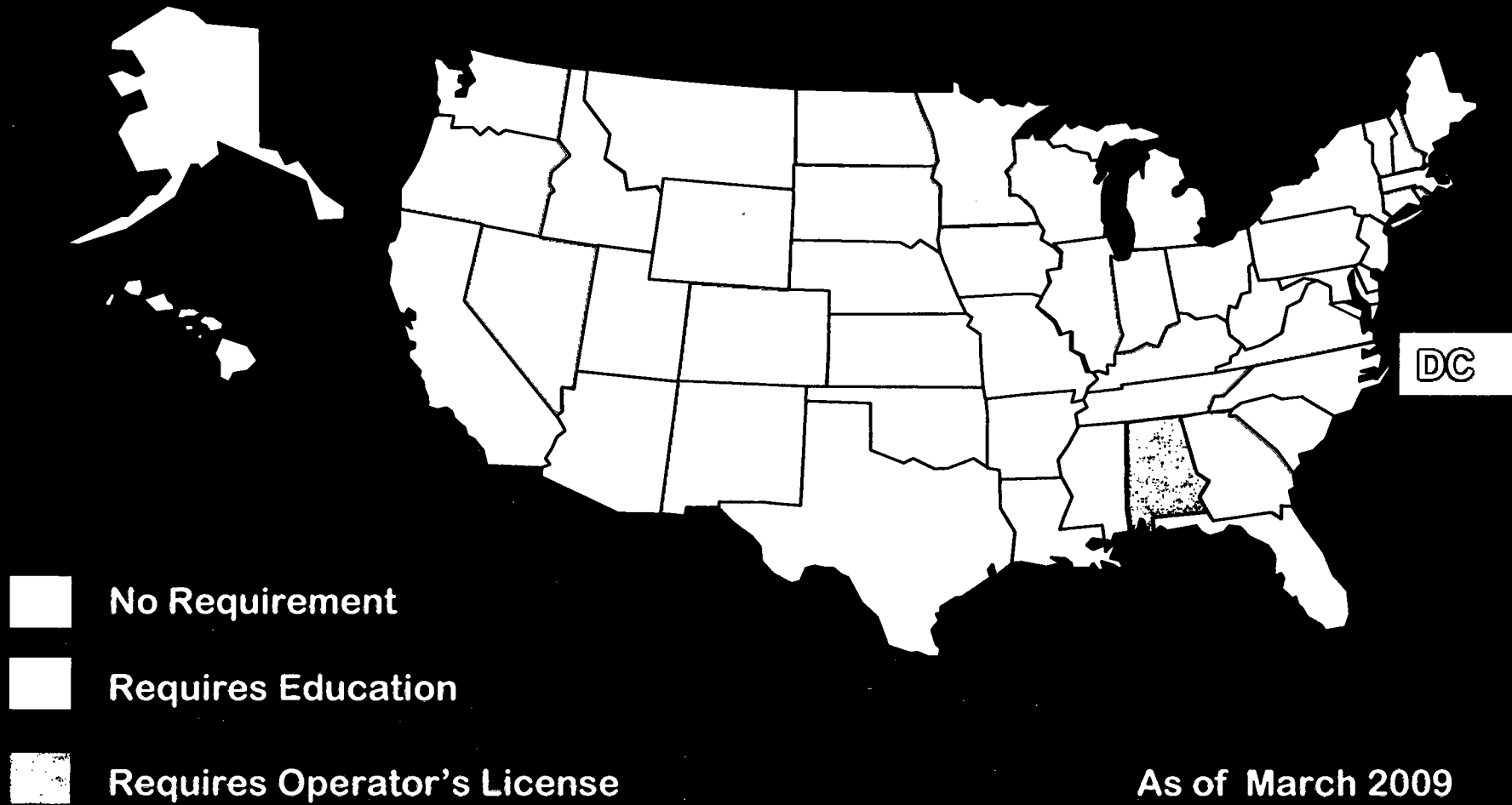
Local governments may not enact ordinances or rules relating to boating safety education and the act preempts all existing ordinances or rules.

Section 2 of the act amends G.S. 75 A-13.3, personal watercraft, to provide that the qualifying person accompanying a person between the ages of 14 and 16 on a jet ski must be in compliance with the boating safety education requirements. A person operating a jet ski who is between the ages of 14 and 16 may also comply with the boating safety education requirements of this section by any of the means of compliance set forth in G.S. 75A-16.2.

EFFECTIVE DATE: The act is effective when it becomes law and enforcement shall take place in accordance with the phase in of the program.

H39-SMRF-11(e1) v1

Boat Operator Knowledge



As of March 2009

NTSB





NTSB

SAFETY ALERT

National Transportation Safety Board

★ Recreational Boating

Learn safe boating and protect your children

Recreational boating deaths: a **SERIOUS** problem

- Recreational boating is fun, but the water can be unforgiving.
- Over the past 10 years, 7,150 boaters have died—and 5,050 of them by drowning.
- Deaths are the result of two major safety failures: lack of a required personal flotation device (life jacket), and uneducated boaters.
- In 2007, as many as 90 percent of drowning victims could still be alive if they had worn life jackets.
- In 2007, 86 percent of fatalities occurred on boats where recreational boat operators had not completed a boating safety education course.
- Most of those who drowned were in open motorboats—48 percent—and in boats less than 21 feet in length—77 percent.

What can you do to reduce recreational boating accidents and deaths?

- Use a life jacket when aboard a recreational boat and be sure that children always wear life jackets. Life jackets are effective. Boating accident data shows that when mandatory life jacket requirements are adopted, drowning fatalities go down.
- Most parents would not drive anywhere without their kids in seatbelts, car seats or booster seats. Parents should not hesitate to protect their children on the water in a life jacket.
- Complete a recreational boating safety course approved by your State.
- Talk or write to your State lawmakers and urge them to support the NTSB's recommendations that States require children to wear life jackets and require all recreational boating operators to complete a boating safety education course.

What should States do to make recreational boating safer?

- Establish a State minimum boating safety program that:
 - Requires children, under age 13, to wear life jackets.
 - Requires all State recreational boating operators to complete a boating safety education course.
- As of November 2008, 48 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands have enacted laws or regulations requiring children to wear life jackets. Wisconsin and Virginia need mandatory life jacket requirements.
- Fourteen States need to act to adopt mandatory boating education safety requirements for all recreational boaters. They are: Alaska, Arizona, California, Hawaii, Idaho, Indiana, Maine, Massachusetts, Minnesota, Montana, North Carolina, South Carolina, Utah, and Wyoming.

Need more information?

- Visit the NTSB Web site: www.nts.gov and click on the Marine section of the Most Wanted List.

NTSP MOST WANTED LIST

AVIATION: The Federal Aviation Administration should:

Improve Safety of Emergency Medical Services Flights

- Conduct all flights with medical personnel on board in accordance with commuter aircraft regulations.
- Develop and implement flight risk evaluation programs.
- Require formalized dispatch and flight-following procedures including up-to-date weather information.
- Install terrain awareness and warning systems on aircraft.

Improve Runway Safety

- Give immediate warnings of probable collisions/incursions directly to cockpit flight crews.
- Require specific air traffic control clearance for each runway crossing.
- Install cockpit moving map displays or automatic systems to alert pilots of attempted takeoffs from taxiways or wrong runways.
- Require landing distance assessment with an adequate safety margin.

Reduce Dangers to Aircraft Flying in Icing Conditions

- Use current research on freezing rain and large water droplets to revise the way aircraft are designed and approved for flight in icing conditions.
- Apply revised icing requirements to currently certificated aircraft.
- Require that airplanes with pneumatic deice boots activate boots as soon as the airplane enters icing conditions.

Improve Crew Resource Management

- Require commuter and on-demand air taxi flight crews to receive crew resource management training.

Require Image Recorders

- Install crash-protected image recorders in cockpits to give investigators more information to solve complex accidents.

Reduce Accidents and Incidents Caused by Human Fatigue

- Set working hour limits for flight crews, aviation mechanics and air traffic controllers based on fatigue research, circadian rhythms, and sleep and rest requirements.*
- Develop a fatigue awareness and countermeasures program for air traffic controllers.**

MARINE: The U.S. Coast Guard should:

Reduce Accidents and Incidents Caused by Human Fatigue

- Set working hour limits for mariners based on fatigue research, circadian rhythms, and sleep and rest requirements.

NTSB ACTION/TIMELINESS CLASSIFICATION

- ① Unacceptable response
- ② Acceptable response, progressing slowly
- ③ Acceptable response, progressing in a timely manner

Actions needed by Federal Agencies

HIGHWAY: The Federal Motor Carrier Safety Administration should:

Restrict Use of Cellular Telephones

- Prohibit cellular telephone use by commercial drivers of school buses and motorcoaches, except in emergencies.

Require On-board Electronic Recorders

- Require all interstate commercial vehicle carriers to use electronic on-board recorders to collect data on both driver hours of operation and accident conditions.

Improve Safety of Motor Carrier Operations

- Prevent motor carriers from operating if they put vehicles with mechanical problems on the road or unqualified drivers behind the wheel.

Prevent Medically Unqualified Drivers from Operating Commercial Vehicles

- Establish a comprehensive medical oversight program for interstate commercial drivers.
- Ensure that medical examiners are qualified.
- Track all medical certificate applications.
- Enhance oversight and enforcement of invalid certificates
- Provide mechanisms for reporting medical conditions.

The National Highway Traffic Safety Administration should:

Prevent Collisions by Using Enhanced Vehicle Safety Technology

- Require adaptive cruise control and collision warning system standards for all new passenger and commercial vehicles.

Enhance Protection of Motorcoach Passengers

- Redesign motorcoach window emergency exits so they can be easily opened.
- Issue standards for stronger bus roofs; require them in new motorcoaches.
- Devise new standards to protect motorcoach passengers from being thrown out of their seats or ejected when a bus sustains an impact or rolls over.

Enhance Protection of School Bus Passengers

- Devise new standards to protect school bus passengers from being thrown out of their seats or ejected when a bus sustains an impact or rolls over.

PIPELINE: The Pipeline and Hazardous Materials Safety Administration should:

Reduce Accidents and Incidents Caused by Human Fatigue

- Set working hour limits for pipeline controllers based on fatigue research, circadian rhythms, and sleep and rest requirements.

* This recommendation requires action by both the FAA and the National Air Traffic Controllers Association.

** This recommendation also issued to National Air Traffic Controllers Association.

Actions Needed by States

HIGHWAY

Improve Child Occupant Protection

- Enact State laws requiring booster seats for young children up to age 8.

Enact Primary Seat Belt Enforcement Laws

- Increase number of people who wear seat belts through stronger enforcement laws that don't restrict officers to observing another offense first.

Reduce Distractions for Young Drivers

- Prohibit use of interactive wireless communications devices by young novice drivers.
- Restrict the number of teen passengers traveling with young novice drivers.
- Enact graduated driver licensing legislation.

Eliminate Hard Core Drinking Driving

- Enact legislation to reduce crashes involving repeat offenders who drink large amounts of alcohol, including:
 - Frequent, statewide sobriety checkpoints.
 - More effective measures (sanctions/treatment) for first time arrests with high blood alcohol concentration and repeat offenders.
 - Zero blood alcohol requirement for those already convicted of driving while intoxicated.
 - Administrative license revocation for refusing to take or failing an evidential test for alcohol.
 - Vehicle sanctions for DWI offenders to separate drinking from driving.
 - Elimination of plea-bargaining DWI offenses and programs that divert offenders and purge offense records.
 - DWI offense records retention for at least 10 years to identify repeat offenders.
 - Special sanction court-based programs such as DWI courts for hard core DWI offenders.

MARINE

Enhance Recreational Boating Safety

- Require mandatory education of boat operators.
- Require use of life jackets by children.



National Transportation Safety Board

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November 2008



NTSB MOST WANTED LIST

Transportation Safety Improvements

2009

*Critical changes needed to reduce
transportation accidents and save lives.*

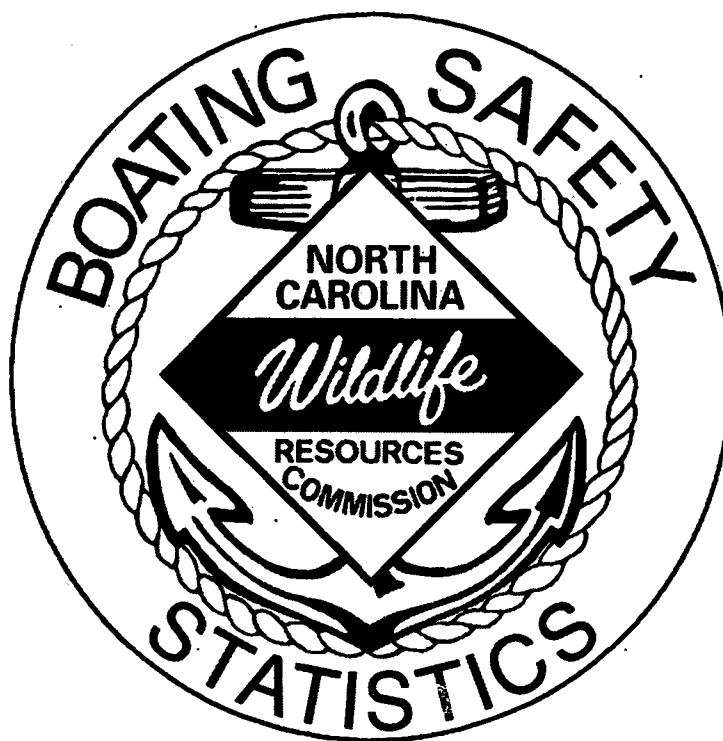
NORTH CAROLINA

REPORT OF

BOATING

ACCIDENTS AND FATALITIES

2007



COMPILED AND PUBLISHED BY THE

**NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION**

Division of Enforcement

State of North Carolina

Michael F. Easley/ Governor

**Department of Environment
and Natural Resources**

William G. Ross, Jr./ Secretary

North Carolina Wildlife Resources Commission

Fred Harris /Interim Executive Director

**2007 North Carolina Annual Boating Accident Report
North Carolina Wildlife Resources Commission
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Raleigh, N.C. 27699-1719
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**National
Transportation
Safety Board**

Safety Information

Washington, D.C. 20594

**STATEMENT OF
BILL GOSSARD**

NATIONAL TRANSPORTATION SAFETY BOARD

BEFORE

THE STATE OF NORTH CAROLINA'S HOUSE WILDLIFE COMMITTEE

ON

MANDATORY RECREATIONAL BOATING SAFETY EDUCATION

RALEIGH, NORTH CAROLINA

MARCH 11, 2008

Good afternoon, Chairmen Williams and Committee members. It is a pleasure to be here in Raleigh to discuss the National Transportation Safety Board's studies on recreational boating safety and our recommendations to North Carolina and other States regarding boater safety education.

The National Transportation Safety Board is an independent Federal agency charged by Congress to investigate transportation accidents, determine their probable cause, and make recommendations to prevent their recurrence.

Recreational boating fatalities are very high, even exceeding fatalities in general aviation accidents. In 2007, the States reported to the U.S. Coast Guard that 685 persons were killed and 3,673 persons were seriously injured in boating accidents in this country. Of the 685 fatalities, over two-thirds drowned and about ninety percent were not wearing life jackets. There were 20 boating deaths in North Carolina in 2007. In the past 5 years (2003-2007), there have been 99 deaths on your State's waters reported to the Coast Guard. (18 in 2003; 20 in 2004; 17 in 2005; 24 in 2006; and 20 in 2007). North Carolina consistently ranks in the top ten in the Nation for number of boating fatalities.

Other information indicates that recreational boating injuries are even higher than the numbers reported to the United States Coast Guard. Information from an American Red Cross survey indicates that more than 355,000 persons are injured from recreational boating accidents annually, and more than 40 percent of these injuries require medical treatment beyond first aid. A study by the Centers for Disease Control, released in 1997, found that as many as 32,000 injuries from personal watercraft alone required medical treatment.

As a result of its concern regarding the number of boating deaths and injuries, and the prospect for increases in these numbers, the Safety Board in 1993 conducted a study of recreational boating accidents and their causes. The Board reviewed information on 407 fatal recreational boating accidents that killed 478 persons, which occurred in 18 States in 1991. This represented about 52 percent of the fatal accidents and deaths in that year.

The Safety Board also reviewed safety studies performed by other organizations and data from the Coast Guard. Further, the Board conducted detailed investigations of three recreational boating accidents in 1992 in which a total of 13 persons died, including 4 children and 2 teenagers.

Before proceeding with the study findings and recommendations, let me share with you one of the recreational boating accidents we investigated.

About 2:00 p.m. on a Friday afternoon, 2 adult males, one adult female, and 5 children (ages 18 months to 9 years of age) departed a California marina in a 15-foot-long open boat powered by a 70-horsepower outboard motor. The marina operator observed the boating party departing the marina and recalled that the party purchased gas, food, and drinks, including a six-pack of beer.

The 10-mile trip across San Pablo Bay to an island was uneventful. About 5:30 p.m., the boating party departed the island. On the return trip, the boat was heading into the wind and waves, and the trip was rougher than the earlier crossing.

As the boat neared the entrance channel to the river leading back to the marina, the outboard motor stopped because the primary fuel tank ran dry. The fuel line was connected to the reserve tank, but efforts to restart the motor were unsuccessful. With the boat drifting and rolling in choppy waters, one of the adult males moved to the back of the boat to try and remedy the situation, and the stern of the vessel began to sink. The five children were wearing personal flotation devices; the three adults retrieved theirs from a forward locker before the bow went under water.

About 6:00 a.m. the following day, a local fisherman spotted the adult female drifting near the river's entrance about 1 mile from where the boat had sunk. She was rescued, and the Coast Guard was notified. Based on her report, a full-scale search was initiated. By mid-morning, an additional survivor (the 9-year old child) was found, along with the bodies of the other four children and one adult male. All were about 5 miles from the accident site. The surviving child was treated for hypothermia.

A toxicological test of the adult male, who was the boat operator and owner, revealed a blood alcohol concentration of 0.11 percent. The other adult male was never found.

Family members indicated that the boat operator's prior boat usage had been limited to fresh water lakes and rivers. He had no experience under the conditions encountered on the day of the accident, nor was there any record that he had taken any training courses related to boating safety.

The lack of boat operator proficiency evidenced in this accident is typical of the accidents examined for our recreational boating study.

The accident data and case studies examined throughout the study repeatedly suggested that the individuals involved in fatal boating accidents, regardless of their level of experience, operated their vessels in a manner inconsistent with a basic knowledge of the "rules of the road," an understanding of safe boating practices, and proficiency in operating skills.

Unlike general aviation and other motor vehicle operations, an operator of a recreational boat is not required to demonstrate an understanding of safe boating rules or an ability to safely operate the boat. In fact, about 81 percent of recreational boat operators in the study sample, for which information was available, had not taken any type of boating education course. Further, the report estimated that perhaps as few as 7 percent, and certainly no more than 22 percent, of first-time boat operators would have taken some type of voluntary boating safety course.

In 1994, Alabama became the first State to enact a comprehensive operator licensing requirement. The Alabama Boat Safety Reform Act provides for a boating safety examination and an endorsement on the State's vehicle driver's license. Connecticut requires that every boat operator in the State complete boating safety education and carry a boating education certificate. In addition, personal watercraft operators must complete additional training and have an endorsement to operate in Connecticut.

At least 36 States, the District of Columbia, the United State Virgin Islands, and Puerto Rico have enacted legislation that establishes an education requirement before a person is permitted to operate a recreational boat. Many of new laws are implemented using what is termed

a "quick phase-in" generally over a number of years (6-12) in order to make it easier for boaters to comply. In each of these States, a boat operator is issued a certificate that must be made available for review by a law enforcement officer. The certificate and boating privileges cannot be taken away – it is not an operator license

The experience of other States has shown that mandatory boater education requirements can make a difference. Let me share three States' success stories:

Connecticut – A mandatory education requirement was phased in beginning in 1993. All boaters now have completed a boating safety education course. In 1996, Connecticut boating officials reviewed their accident experience and reported that uneducated boaters had five times more accidents than did educated boaters in 1996. Recent data indicates that Connecticut has reduced its fatalities by 50 percent.

Alabama – Alabama unlike other States has a full operator license with a testing requirement. Boat operators could test out and receive a license, however, many applicants failed the test and have had to take a boating education course. Most boaters in Alabama opted to take a boating safety course. The results of Alabama's education and license initiative have seen fatalities reduced by 40 percent over the past 5 years. The program includes all recreational boat operators. Alabama officials report that boating education which 95 percent of Alabama's boaters complete to take the test has made a difference in their fatality numbers.

Oregon – Oregon, one of the States, who implemented a "quick phase-in" of seven years from 2002 to 2009, is now reporting that there has been a sharp decline in the number of accidents reported in their State from around 100 in 1999 to about 65 in 2007. Oregon, also indicates that it has completed boater education requirements for 200,000 of its estimated 250,000 boater population. Compliance to meet the education requirements by its boater population, Oregon, indicates has been outstanding.

In North Carolina and other states without an education requirement, any boat operator can rent or buy a vessel that can operate at speeds in excess of 70 miles per hour without demonstrating knowledge of basic safety rules or skills in operating these sophisticated vessels. Although

there are some boating advocates who would argue that most boaters would not attempt to operate such high-powered vessels without having received proper safety education training and demonstrated an ability to operate these vessels, the Safety Board has seen the results of operators without boating education repeatedly involved in serious and fatal accidents due to operator inattention and inexperience, as well as reckless operation generally involving high speed. These safety concerns are addressed in all basic boating safety courses. We are concerned that the option not to complete basic boating safety education even exists at all.

Therefore, the Safety Board recommended in 1993 that the States implement a program of minimum boating safety standards to reduce the number and severity of accidents. Such a program should include the requirements for recreational boat operators to demonstrate knowledge of safe boating rules and an ability to safely operate his/her vessel. While successful completion of a course indicates that a person has knowledge of basic boating safety rules, it does not indicate that the boater has demonstrated an ability to operate a vessel.

In 1998, the Safety Board completed a safety study that reviewed personal watercraft accidents. The results from this study were similar to those of the 1993 study. The Safety Board's analysis of the 1997 State boating accident reports showed that 87 percent of personal watercraft operators for which information was available had received no boating safety instruction. A supplemental Safety Board questionnaire submitted by the 49 States that participated in this study indicated a similar proportion: 84 percent of those involved in accidents had completed no type of boating instruction. Further review of Coast Guard boating statistics for the years 1991 through 1996 found that only 85 percent of boat operators involved in fatal boating accidents for which information was available had not had any type of boating instruction. In the most recent years, the United States Coast Guard indicates that approximately 70 percent of all boating fatalities occurred on vessels where the operator had not completed a boating safety education course.

In August 2004, the Safety Board called for a public forum on the issue of the wearing of personal flotation devices (lifejackets). Sixteen major boating organizations representing all facets of the industry participated. One of the strong messages the Safety Board received from this forum was the need for mandatory education programs. Therefore, we

believe that the industry, as a whole, is in agreement with the need for sound boating education is initiated at the State level.

Recreational boating accidents, injuries and deaths will remain a serious problem unless comprehensive steps are taken to reduce the death and injury toll. The National Transportation Safety Board supports establishing a boating safety education testing regimen for all recreational boaters as a part of North Carolina's boating safety program. The Safety Board considers recreational boating and the issue of the need for recreational boating education so important that we continue to include this issue on our 2009 "Most Wanted" transportation safety improvements list as one of the areas where critical changes are needed to reduce unnecessary loss of life. I have provided to each Committee member a copy of the Board's abstract on the "Most Wanted" safety issues, and a "Safety Alert" on recreational boating safety.

The Safety Board is pleased to support this initiative in North Carolina. We would like to remove North Carolina from our MOST WANTED safety improvements list as successfully enacting legislation addressing boating safety education. In conclusion, the Board strongly urges the Committee to approve House Bill 39. This legislation will ensure that citizens of North Carolina will be well informed of the safety requirements while boating and this action by the State will reduce the number of accidents resulting in injuries and the loss of life of citizens boating on the State's waters.

Thank you for providing the National Transportation Safety Board an opportunity to speak about this important safety initiative. I would be happy to answer any questions you may have.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 39 A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY
REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH
A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 105*

Short Title: Clarify Interstate Wildlife Violator Compact. (Public)

Sponsors: Representatives Wainwright; Harrison, Hill, Justice, Lucas, Pierce, and Stiller.

Referred to: Wildlife Resources, if favorable, Marine Resources and Aquaculture.

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. Subdivision (15) of Article II of G.S. 113-300.6 reads as rewritten:

"(15) "Wildlife" means all species of animals, including but not necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a party state. "Wildlife" includes all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources. "Wildlife" also means food fish and shellfish as defined by statute, law, regulation, ordinance, or administrative rule in a party state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law."

SECTION 2. G.S. 113-300.7 reads as rewritten:

"§ 113-300.7. Appointment of Compact Administrator; implementation; rules; amendments.

(a) The Chair of the Wildlife Resources ~~Commission-Commission~~, in consultation with the Chair of the Marine Fisheries Commission and the Fisheries Director, shall appoint the Compact Administrator for North Carolina. The Compact Administrator shall serve at the pleasure of the Chair of the Wildlife Resources Commission.

(b) The Wildlife Resources ~~Commission-Commission~~, the Secretary of Environment and Natural Resources, and the Division of Marine Fisheries may suspend or revoke the license, privilege, or right of any person to hunt, fish, trap, possess, or transport wildlife in this State to the extent that the license, privilege, or right has been suspended or revoked by another compact member under the provisions of this Article.

(c) The Wildlife Resources ~~Commission-Commission~~ and the Marine Fisheries Commission shall adopt rules necessary to carry out the purposes of this Article.

(d) Any proposed amendment to the Compact shall be submitted to the General Assembly as an amendment to G.S. 113-300.6. In order to be endorsed by the State of North Carolina as provided by subsection (b) of Article IX of the Compact, a proposed amendment to the Compact must be enacted into law."



1

SECTION 3. This act becomes effective October 1, 2009.



HOUSE BILL 105: Clarify Interstate Wildlife Violator Compact

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Marine Resources and Aquaculture	Date:	March 11, 2009
Introduced by:	Rep. Wainwright	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 105 clarifies that the Interstate Wildlife Violator Compact includes violations of marine resources law, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.*

[As introduced, this bill was identical to S106, as introduced by Sen. Albertson, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW: North Carolina adopted the Interstate Wildlife Violator Compact in 2008. The purpose of the Compact is to provide a means through which the party states may participate in a reciprocal program to promote compliance with statutes and regulations relating to wildlife resource management in the party states.

BILL ANALYSIS:

Section 1 of the bill clarifies that the term "wildlife" includes all species of animals that are protected or regulated by the Wildlife Resources Commission, the Marine Fisheries Commission, or the Division of Marine Fisheries in the Department of Environment and Natural Resources.

Section 2 of the bill does the following:

- Provides that the Chair of the Wildlife Resources Commission is to consult with the chair of the Marine Fisheries Commission and the Fisheries Director in appointing the Compact Administrator for North Carolina
- Authorizes the Secretary of Environment and Natural Resources, and the Division of Marine Fisheries to suspend or revoke the hunting and fishing licenses under the Compact.
- Provides that the Wildlife Resources Commission and the Marine Fisheries Commission shall adopt rules to carry out the Compact.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 105 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on MARINE RESOURCES AND AQUACULTURE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H**1****HOUSE BILL 97**

Short Title: Active Duty Hunting/Fishing License Exemption. (Public)

Sponsors: Representatives Killian, Sager, McElraft, Guice (Primary Sponsors); K. Alexander, Avila, Barnhart, Blackwell, Blackwood, Blust, Cleveland, Current, Dollar, Frye, Grady, Gulley, Harrison, Holloway, Howard, Hurley, Justice, Justus, Lewis, Lucas, Martin, McCormick, McGee, Mills, Neumann, Randleman, Stevens, Tarleton, Tillis, and Wiley.

Referred to: Wildlife Resources, if favorable, Finance.

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-276 is amended by adding a new subsection to read:

"(12) A resident of this State who is a member of the Armed Forces of the United States serving outside the State, or who is serving on full-time active military duty outside the State in a reserve component of the Armed Forces of the United States as defined in 10 U.S.C. 10101, is exempt from the hunting and fishing license requirements of G.S. 113-270.1B, G.S. 113-270.3(b)(1), G.S. 113-270.3(b)(3), G.S. 113-270.3(b)(5), G.S. 113-271, G.S. 113-272, G.S. 113-272.2(c)(1), and the Coastal Recreational Fishing License requirements of G.S. 113-174.2 while that person is on leave in this State for 30 days or less. In order to qualify for the exemption provided under this subsection, the person shall have on his or her person at all times during the hunting or fishing activity the person's military identification card and a copy of the official document issued by the person's service unit confirming that the person is on authorized leave from a duty station outside this State.

A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, complying with the hunter safety requirements of G.S. 113-270.1A, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to."

SECTION 2. This act becomes effective July 1, 2009.





HOUSE BILL 97: Active Duty Hunting/Fishing License Exemption

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Finance	Date:	March 11, 2009
Introduced by:	Reps. Killian, Sager, McElraft, Guice	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 97 allows residents of North Carolina who are serving on full-time active military duty outside the State in the Armed Forces of the United States or a Reserve component of the Armed Forces of the United States to hunt or fish while on leave in North Carolina without obtaining a license.*

BILL ANALYSIS: House Bill 97 would allow a resident of North Carolina who is a member of the Armed Forces of the United States serving outside the State, or who is on full-time active military duty outside the State in a reserve component of the Armed Forces of the United States to be exempt from certain hunting and fishing license requirements while the person is on leave in North Carolina for 30 days or less.

The exemptions are for the following statutes:

- G.S. 113-270.1B – License required to hunt, fish, or trap.
- G.S. 113-270.3(b)(1) – Resident Big Game Hunting License
- G.S. 113-270.3(b)(3) – Game Land License
- G.S. 113-270.3(b)(5) – Migratory Waterfowl Hunting License.
- G.S. 113-271 – Hook-and-line licenses in inland and joint fishing waters.
- G.S. 113-272 – Special trout license; mountain heritage trout waters 3-day fishing license.
- G.S. 113-272.2(c)(1) – Resident Noncommercial Special Device License
- G.S. 113-174.2 – Coastal Recreational Fishing License

In order to qualify for the exemption, the person must have on his or her person at all times during the hunting or fishing activity the person's military identification card and a copy of the official document issued by the person's service unit confirming that the person is on authorized leave from a duty station outside North Carolina.

Any person exempted from licensing requirements under this bill remains responsible for:

- Any reporting requirements prescribed by rule of the Wildlife Resources Commission.
- Complying with the hunter safety requirements of G.S. 113-270.1A.
- Purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity.
- Complying with any other requirements that the holder of a North Carolina license is subject to.

EFFECTIVE DATE: This act becomes effective July 1, 2009

H97-SMSA-8(e1) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 97 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, March 25, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, March 25, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, and Roger West, Vice-Chairs; and Representatives Gulley, Love, Lucas, Rhyne, and Stiller. Staff Members Barbara Riley and Susan Sitze were also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda, Visitors Registration Sheet, and People Wanting to Speak Sheet (Attachments II, III and IV)

Representative Williams, presiding, called the meeting to order at 12:03 p.m. and welcomed the visitors. He recognized Barbara Riley and Susan Sitze who served as the legislative counsels for the committee and Pam Evans, clerk for the committee. Rep. Williams then recognized Sgt.-in-Arms: Dusty Rhodes, Tom Wilder, and Mike Martin; and pages: Demetrius Tyson from Moore County sponsored by Rep. Neumann and Hope McPherson from Robeson County sponsored by Rep. Pierce.

First on the agenda was HB529 Edgecombe/No Hunting on the Land of Another, an act to prohibit hunting on the property of another without written permission in Edgecombe County. (Attachment V) There was a proposed committee substitute and Rep. West made motion to bring it before the committee (Attachments VI and VII, PCS and analysis). Motion carried. Staff then requested to delay discussion on the bill and Chair Williams displaced same until the next meeting.

Next on the agenda was HB551 Davidson/Taking on Foxes, an act to establish a season for taking foxes with weapons and by trapping in Davidson County. (Attachments VIII and IX, bill and analysis). Chair Williams called upon Rep. Dockham to explain his bill.

Rep. Dockham explained it was a local bill requested by resolution from the Davidson County Board of Commissioners to establish an open season for taking foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year. Under the bill there were no tagging requirements prior to or after sale and no bag limits applied to foxes taken under

the act. Rep. Dockham stated the bill only applied to Davidson County and there were no objections to bill.

Rep. West made motion for a favorable report. Motion carried. (Attachment X)

Chair Williams adjourned meeting at 12:16 p.m.

	
Representative Arthur Williams, Chair	Pamela J. Evans, Committee Assistant

ATTENDANCE

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, March 25, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

**HB 529 Edgecombe/No Hunting on the Land of Another – Reps. Tolson and
Farmer-Butterfield**

HB 551 Davidson/Taking of Foxes – Rep. Dockham

ADJOURNMENT

VISITOR REGISTRATION SHEET

WILDLIFE

8-21-09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

GORDON MYERS

NCWRC

Sarah Clapp

NCWRC

DANIEL LAUGHRY

NS

Joe Mc

McClees Consulting

Date: March 25, 2009

WILDLIFE RESOURCES COMMITTEE

PEOPLE WANTING TO SPEAK

Joe McCh

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 529*
PROPOSED COMMITTEE SUBSTITUTE H529-CSRF-9 [v.1]

3/23/2009 4:34:31 PM

Short Title: Edgecombe/No Hunting on the Land of Another.

(Local)

Sponsors:

Referred to:

March 11, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT
3 WRITTEN PERMISSION IN EDGECOMBE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. It is unlawful to hunt on the land of another without having on one's
6 person while hunting the written permission, signed and dated for the current hunting season, of
7 the landowner or lessee, or the landowner's or lessee's designee.

8 SECTION 2. Violation of this act is a Class 3 misdemeanor for the first offense
9 and a Class 2 misdemeanor for a second or subsequent offense.

10 SECTION 3. This act is enforceable by law enforcement officers of the Wildlife
11 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general
12 subject matter jurisdiction.

13 SECTION 4. This act applies only to Edgecombe County.

14 SECTION 5. This act becomes effective October 1, 2009, and applies to offenses
15 committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 529*

Short Title: Edgecombe/No Hunting on the Land of Another. (Local)

Sponsors: Representatives Tolson, Farmer-Butterfield (Primary Sponsors); and Hughes.

Referred to: Wildlife Resources.

March 11, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT
3 WRITTEN PERMISSION IN EDGECOMBE COUNTY.

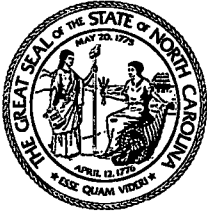
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 4 of S.L. 2005-264 reads as rewritten:

6 "SECTION 4. This act applies only to ~~Orange~~ Edgecombe, Orange, and Wilson Counties."

7 SECTION 2. This act becomes effective October 1, 2009, and applies to offenses
8 committed on or after that date.





HOUSE BILL 529: Edgecombe/No Hunting on the Land of Another

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Tolson, Farmer-Butterfield
Analysis of: PCS to First Edition
H529-CSRF-9

Date: March 24, 2009
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 529 would prohibit hunting on the property of another without the written permission of the landowner or lessee of the land.*

[As introduced, this bill was identical to S499, as introduced by Sen. Jenkins, which is currently in Senate State and Local Government.]

BILL ANALYSIS:

Section 1 of the bill provides that it is unlawful to hunt on the land of another without written permission of the landowner, lessee or their designee. The permission must be signed and dated for the current hunting season.

Section 2 makes violation of the act a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second or subsequent offence.

Section 3 provides that the act may be enforced by Wildlife officers, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2009 and applies to offenses committed on or after that date.

H529-SMRF-23(CSRF-9) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 551

Short Title: Davidson/Taking of Foxes.

(Local)

Sponsors: Representatives Dockham; and Brown.

Referred to: Wildlife Resources.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY
TRAPPING IN DAVIDSON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season
for taking foxes with weapons and by trapping during the trapping season set by the Wildlife
Resources Commission each year, with no tagging requirements prior to or after sale.

SECTION 2. No bag limit applies to foxes taken under this act.

SECTION 3. This act applies only to Davidson County.

SECTION 4. This act becomes effective October 1, 2009.





HOUSE BILL 551: Davidson/Taking of Foxes

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Dockham
Analysis of: First Edition

Date: March 25, 2009
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *House Bill 551 establishes a season for taking foxes with weapons and by trapping in Davidson County.*

BILL ANALYSIS: House Bill 551 establishes an open season for taking foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year. There are no tagging requirements prior to or after sale and there are no bag limits applied to foxes taken under this act.

This act applies only to Davidson County

EFFECTIVE DATE: This act becomes effective October 1, 2009.

H551-SMSA-18(e1) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 551 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR
TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, April 1, 2009
Room 415 LOB
12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, April 1, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives Fred Steen, Roger West, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Spear, and Stiller. Staff Member Susan Sitze was present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitors Registration Sheet (Attachments II and III).

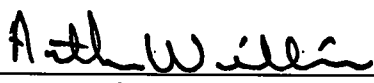
Representative Williams, presiding, called the meeting to order at 12:05 p.m. and welcomed visitors. Rep. Williams then recognized the Sgt.-in-Arms: Dusty Rhodes, Tom Wilder and Mike Martin; and pages: Danielle Hartsfield from Cumberland County sponsored by Rep. Floyd and Caitlin Hogan from Wake County sponsored by Rep. Stam.

First on the agenda was HB 529 Edgecombe/No Hunting on the Land of Another, an act to prohibit hunting on the property of another without written permission in Edgecombe County, sponsored by Rep. Tolson. (Attachments IV and V, PCS and analysis) Chair Williams reminded members that the proposed committee substitute was before the committee pursuant to the committee's meeting last week. Chair Williams then called upon Rep. Tolson to explain his bill.

Rep. Tolson stated bill only applied to Edgecombe County.

Rep. West made motion for a favorable report as to the committee substitute bill for HB 529, unfavorable as to the original. Motion carried. (Attachment VI)

Chair Williams adjourned the meeting at 12:12 p.m.


Representative Arthur Williams Chair


Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 1, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

**HB 529 Edgecombe/No Hunting on the Land of Another – Reps. Tolson and
Farmer-Butterfield**

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Name of Committee

April 1, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

GORDON MYERS

NC WRCC

Sarah Clapp

NC WRC

Amranda Amington

HSUS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 529*
PROPOSED COMMITTEE SUBSTITUTE H529-CSRF-9 [v.1]

3/23/2009 4:34:31 PM

Short Title: Edgecombe/No Hunting on the Land of Another.

(Local)

Sponsors:

Referred to:

March 11, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT
3 WRITTEN PERMISSION IN EDGECOMBE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. It is unlawful to hunt on the land of another without having on one's
6 person while hunting the written permission, signed and dated for the current hunting season, of
7 the landowner or lessee, or the landowner's or lessee's designee.

8 SECTION 2. Violation of this act is a Class 3 misdemeanor for the first offense
9 and a Class 2 misdemeanor for a second or subsequent offense.

10 SECTION 3. This act is enforceable by law enforcement officers of the Wildlife
11 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general
12 subject matter jurisdiction.

13 SECTION 4. This act applies only to Edgecombe County.

14 SECTION 5. This act becomes effective October 1, 2009, and applies to offenses
15 committed on or after that date.



HOUSE BILL 529: Edgecombe/No Hunting on the Land of Another

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Tolson, Farmer-Butterfield
Analysis of: PCS to First Edition
H529-CSRF-9

Date: March 24, 2009
Prepared by: Barbara Riley
Committee Counsel

SUMMARY: *House Bill 529 would prohibit hunting on the property of another without the written permission of the landowner or lessee of the land.*

[As introduced, this bill was identical to S499, as introduced by Sen. Jenkins, which is currently in Senate State and Local Government.]

BILL ANALYSIS:

Section 1 of the bill provides that it is unlawful to hunt on the land of another without written permission of the landowner, lessee or their designee. The permission must be signed and dated for the current hunting season.

Section 2 makes violation of the act a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second or subsequent offence.

Section 3 provides that the act may be enforced by Wildlife officers, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2009 and applies to offenses committed on or after that date.

H529-SMRF-23(CSRF-9) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 529 A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE
PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGECOMBE
COUNTY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, April 8, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, March 25, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Lucas, and McLawhorn. Staff Member Susan Sitze was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitors Registration Sheet (Attachments II and III).

Chair Williams, presiding, called the meeting to order at 12:01 p.m. and welcomed visitors. Rep. Williams recognized the Sgt.-in-Arms: Dusty Rhodes, Tom Wilder and Jerald Perry; and pages: Maggie Collins from Surry County sponsored by Rep. Stevens and Allie Ethridge from New Hanover County sponsored by Speaker Hackney. Chair Williams also recognized Sarah Clapp, Legislative Liaison with the North Carolina Wildlife Commission and Jennifer Lundy, State Caucus Manager out of Washington, DC.

First on the agenda was HB857 Minimum Caliber of Rifles for Taking Big Game, an act to direct the Wildlife Resources Commission to set minimum caliber requirements for rifles used in taking big game, sponsored by Rep. Lucas. (Attachments IV and V-bill and analysis) Chair Williams called upon Rep. Lucas to explain his bill.

Rep. Lucas explained the bill resulted from a constituent call, a follow-up letter and then a personal visit. His constituent indicated that he was aware of a group that prided themselves in marksmanship and being able to take down big game animals with small caliber rifles and pistols. The constituent felt this was inhumane and resulted in more wounded animals. He also felt it was a disservice to hunters. Rep. Lucas stated he checked with the Wildlife Commission and they were fine with the bill as long as the discretion of caliber size was left to the Commission.

Chair Williams called for questions and recognized Rep. Cleveland.

Rep. Cleveland asked what was considered big game in the state – deer or bear. Gordon Myers, Executive Director of the North Carolina Wildlife Commission was recognized and replied that the primary focus was on deer harvested with the a .22 rim fire. He

stated the Commission supported the bill and appreciated the discretion being left to the Wildlife Resources Commission as to caliber size. Currently, the Commission does not regulate caliber size. If you are an excellent shot, then the .22 rim fire could be an adequate caliber for taking big game. Rep. Cleveland stated there were .22 magnums with quite a punch. When he was younger years and living in a different state, he hunted and killed deer with a .22. Rep. Cleveland then expressed concern that if we dictate what calibers are to be used, then we are going to cause a lot of problems for a lot of people.

Chair Williams called for other comments and recognized Rep. Gulley. Rep. Gulley felt there were already laws about what certain size pistols could be used. Gordon Myers responded that in terms of harvesting deer, caliber size was not regulated.

Rep. Love made motion for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary III. Motion is carried. Rep. Cleveland requested to go on record as voting no. (Attachment VI)

The next bill was HB898 No Killing of Grass Carp, an act to prohibit the possession or taking of grass carp from the Gaston or Roanoke Rapids Reservoirs or from the Roanoke River, sponsored by Reps. Allen, Wray, Bryant and Crawford. Rep. Allen was called to explain her bill.

Rep. Allen stated the Lake Gaston Weed Control Council requested this bill and the bill only applied to the Gaston and Roanoke reservoirs and Roanoke River within Halifax, Northampton and Warren Counties. Grass Carp are used to control obnoxious weeds, specifically hydrillas which grow prolifically in Lake Gaston. The Weed Council bought carp to stock the Lake in an attempt to control this obnoxious weed. The North Carolina Wildlife Commission put new rules into place for the taking of one grass carp by bow and arrow. Since grass carp are sterile, the bill puts a ban on the taking of grass carp by bow and arrow in Lake Gaston and the Roanoke Rapids Lake and part of Roanoke River that is in Halifax, Warren and Northampton Counties, except by special permit.

Rep. Wray stated that Lake Gaston had taken aggressive approach in trying to control hydrilla.

Rep. Love expressed concern that Sheriffs, Deputy Sheriffs and other peace officers resist getting into wildlife enforcement and asked if the bill had been cleared with the Sheriffs. He also requested clarification of the definition in bill of a peace officer.

Rep. Wray referred to staff. Susan Sitze responded that it meant any law enforcement in the area with jurisdiction. It could be city police or sheriff as long as they had area jurisdiction.

Rep. Love responded that he had never seen a police officer enforce a wildlife problem, but he had no problem with bill.

Rep. Allen stated that she introduced a bill for a lake community allowing their company police to arrest drunks on the waters of the lake. Wildlife officers may not always be available.

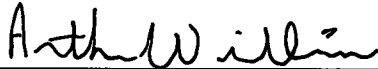
Gordon Myers stated the Wildlife Commission had no objection to the reservoir management aspects of this bill, however, they had concerns about the Roanoke River system because there was no boundary on that county line and it could impact on the Commission's ability to manage the fishery resources which are in the Roanoke River.

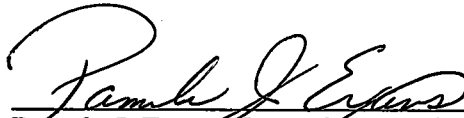
Rep. Allen stated the stocking and management of fish stock was important, but grass carp are sterile.

Gordon Myers stated it could have some impact on how the Commission managed fishery resources. It also restricted the Wildlife Commission's ability to adequately manage other fish besides the grass carp.

Rep. Wray made motion for a favorable report and recommendation that the bill be referred to the Committee on Marine Resources and Aquaculture. Motion is carried. (Attachment IX)

The meeting was adjourned at 12:13 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 8, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

H857 Minimum Caliber of Rifles for Taking Big Game – Rep. Lucas

H898 No Killing of Grass Carp – Reps. Allen, Wray, Bryant and Crawford

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

April 8, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Andy Sisson</i>	
Jennifer Lundy	NIASC
Sarah Clapp	NCWRC
Gordon Myers	NCWRC
Deniel Boone	Booneville
John Minnick	CSC
<i>Amelia D...</i>	NESCA
<i>Mini McEles</i>	McEles Consulting

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 857

Short Title: Minimum Caliber of Rifles for Taking Big Game. (Public)

Sponsors: Representative Lucas.

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

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM
CALIBER REQUIREMENTS FOR RIFLES USED IN TAKING BIG GAME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.1(a) reads as rewritten:(a) Except as otherwise provided, game may only be taken between a half hour before
sunrise and a half hour after sunset and only by one or a combination of the following methods:(1) With a rifle, rifle of at least the minimum caliber set by the Wildlife
Resources Commission for the type of game being taken, except that rifles
may not be used in taking wild turkeys.

(2) With a shotgun not larger than number 10 gauge.

(3) With a bow and arrow of a type prescribed in the rules of the Wildlife
Resources Commission.

(4) With the use of dogs.

(5) By means of falconry.

Fur-bearing animals may be taken at any time during open trapping season with traps
authorized under G.S. 113-291.6 and as otherwise authorized pursuant to this subsection, and
rabbits may be box-trapped in accordance with rules of the Wildlife Resources Commission.
The Wildlife Resources Commission may adopt rules prescribing the manner of taking wild
birds and wild animals not classified as game. Use of pistols in taking wildlife is governed by
subsection (g). The Wildlife Resources Commission may prescribe the manner of taking wild
animals and wild birds on game lands and public hunting grounds."**SECTION 2.** This act becomes effective October 1, 2009.



HOUSE BILL 857: Minimum Caliber of Rifles for Taking Big Game

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary III	Date:	April 8, 2009
Introduced by:	Rep. Lucas	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 857 directs the Wildlife Resources Commission to set minimum caliber requirements for rifles used in taking big game.*

BILL ANALYSIS: House Bill 857 amends G.S. 113-291.1(a) to require that when hunting game with a rifle, the rifle be of at least the minimum caliber set by the Wildlife Resources Commission for the type of game being taken.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 857 A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE
RESOURCES COMMISSION TO SET MINIMUM CALIBER REQUIREMENTS FOR
RIFLES USED IN TAKING BIG GAME.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 898

Short Title: No Killing of Grass Carp.

(Local)

Sponsors: Representatives Allen, Wray, Bryant, and Crawford (Primary Sponsors).

Referred to: Wildlife Resources, if favorable, Marine Resources and Aquaculture.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE
GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE ROANOKE RIVER.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful for a person to possess grass carp, or to take grass carp by bow and arrow, from the Gaston or Roanoke Rapids reservoirs or from the Roanoke River, unless the person possesses a special permit for that purpose issued by the Wildlife Resources Commission.

SECTION 2. Violation of this act is a Class 3 misdemeanor.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Halifax, Northampton, and Warren Counties.

SECTION 5. This act becomes effective October 1, 2009, and applies to acts committed on or after that date.





HOUSE BILL 898: No Killing of Grass Carp

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Marine Resources and Aquaculture	Date:	April 8, 2009
Introduced by:	Reps. Allen, Wray, Bryant, Crawford	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 898 prohibits the possession or taking by bow and arrow of grass carp from the Gaston or Roanoke Rapids Reservoirs or from the Roanoke River.*

BACKGROUND: Grass carp are a nonindigenous freshwater fish that has been introduced into the waters of the US as a biological control for vegetation. The fish is a native of East Asia. Because grass carp are an invasive species, usually only triploid, or sterile, fish are stocked. They can grow up to 4' in length. Grass carp were stocked in the Gaston and Roanoke reservoirs for aquatic weed control using both private and public funds. The Wildlife Resources Commission (WRC) adopted rules at their March 4, 2009 meeting that would reduce the daily limit on grass carp taken with bow and arrow from 2 to 1 fish.

BILL ANALYSIS: House Bill 858 makes it unlawful for a person to possess grass carp, or to take grass carp with a bow and arrow from the Gaston and Roanoke reservoirs or from the Roanoke River unless the person has a special permit from the WRC. Violation of the act is a Class 3 misdemeanor. The act is enforceable by wildlife officers, sheriffs and deputy sheriffs and peace officers with general jurisdiction.

The act applies only to Halifax, Northampton, and Warren Counties.

EFFECTIVE DATE: The act becomes effective October 1, 2009, and applies to acts committed on or after that date.

H898-SMRF-40(e1) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 898 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR
TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS
OR FROM THE ROANOKE RIVER.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
MARINE RESOURCES AND AQUACULTURE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, April 22, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, April 22, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland and Roger West, Vice-Chairs; and Representatives Gulley, Love, Lucas, McLawhorn, Rhyne, and Stiller. Staff Member Susan Sitze was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitors Registration Sheet (Attachments II and III).

Representative Williams, presiding, called the meeting to order at 12:04 p.m. and welcomed visitors. Rep. Williams then recognized Sgt.-in-Arms: Dusty Rhodes and Tom Wilder; and pages: Chris Horning from Sampson County sponsored by the Tarheel Challenge Academy.

Chair Williams stated that the first bill would be HB969 Granville/Registered Land, an act to amend the law prohibiting the discharge of firearms on registered land in Granville County by allowing the tracts of registered land to be recorded in the geographic information system, sponsored by Rep. Crawford. (Attachments IV and V, bill and analysis) Rep. Crawford was called to explain his bill.

Rep. Crawford stated the bill applied only to Granville County.

Rep. Love asked if it required written permission. Susan Sitze stated hunts would have entry passes that are filled out by the landowner for them to hunt. The form would be provided by the County to owners granting permission to hunters.

Rep. Love made motion for a favorable report and recommendation that bill be referred to the Committee on Judiciary II. Motion is carried. (Attachment VI)

The next bill was HB 921 Lenoir Fox Trapping, an act to establish a season for the trapping of foxes in Lenoir County, sponsored by Rep. Braxton. (Attachments VII and VIII, bill and analysis) Chair Williams called upon Rep. Braxton to explain his bill.

Rep. Braxton explained his bill created a 45 day fox trapping season in Lenoir County and was requested for some trappers in his area. It was a local bill and there was no opposition.

Rep. Cleveland inquired if it overlapped any hunting seasons where dogs are hunting. Rep. Braxton stated it was his understanding that the dog hunting seasons were over January 1st.

Rep. Stiller stated that a good place to set traps was around water sources and duck hunting did not go out until the 20th of January. Squirrel season also stayed in until mid-January. He suggested moving the 45 day season from March 1 until the April 15 range. Gordon Myers stated the commission had just extended squirrel season to go until February 15th beginning next year and waterfowl was from the second to last Saturday in January.

Rep. Stiller also pointed out that squirrel hunting is the first opportunity for taking youngsters into the woods hunting because it was not as dangerous.

Rep. Williams stated that the bill sponsor was agreeable to changing those dates, if needed. Gordon Myer stated he will be happy to assist Rep. Braxton as there were many trapping seasons within this window or even a greater window. He further stated that the Wildlife Commission had no objection to the bill.

Rep. Braxton stated he was willing to work with Mr. Myers on the a timeframe for the trapping season.

Rep. Cleveland asked for a clarification from Wildlife if there was trapping going on during this time frame already. Mr. Myers stated that Commission established a general trapping season, but foxes were handled through local acts. Susan Sitze responded that there was legislation for other counties dealing with the trapping seasons within the same period of time and much greater periods.

Rep. Braxton stated that the several hunters he spoke from neighboring Jones County had a trapping season. However, he would be glad to change dates, if needed, on the floor.

Rep. Cleveland made motion for favorable to bill and recommendation that bill be re-referred to Local Government II. Motion carried. (Attachment IX)

Chair Williams stated that Rep. Haire had requested his HB1118 Standardize Wild Boar Seasons, an act to standardize wild boar hunting season and the harvesting of feral swine, be pulled from the agenda and placed on agenda for next meeting to give him more time to work on a proposed committee substitute. (Attachments X and XI, bill and analysis)

The next bill was SB 499 Edgecombe Hunting on the Land of Another, an act to prohibit hunting on the property of another without written permission in Edgecombe County,

sponsored by Senator Jenkins. Senator Jenkins was not in committee to present his bill and it was not heard.

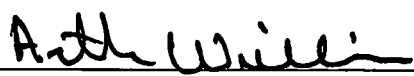
The last bill on the agenda was HB 888 County Bow Hunting, an act to regulate bow hunting on the lands of another in Hyde County and Wayne County, sponsored by Rep. Spear. (Attachment XIV) Chair Williams called upon Rep. Spear to present his bill.

Motion was made by Rep. Cleveland to bring the proposed committee substitute before the committee. Motion carried. (Attachments XV and XVI, bill and analysis)

Rep. Spear that the bill started out as a local bill for Hyde County only. Hyde County had a local ordinance from 1985 that prohibited the hunting with guns or dogs on the lands of another without permission. It was not written permission, but verbal permission. The Commissioners passed a resolution requesting that the hunting with bow and arrow or crossbow be added to that local legislation as stated in the original bill. The proposed committee substitute added Wayne County at the request for Rep. Seager, who had a resolution from his Board of Commissioners asking to be included. The bill only applied to two counties-Hyde and Wayne.

Rep. Cleveland made a motion for a favorable report as to House committee substitute bill #2 for House Bill 888, which changed the title, unfavorable as to committee substitute bill #1. Motion carried. (Attachment XVII)

The meeting was adjourned at 12:17 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 22, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

ADGENDA ITEMS

H921 Lenoir Fox Trapping – Reps. Braxton and Dockham

H969 Granville/Registered Land – Rep. Crawford

H1118 Standardize Wild Boar Seasons – Reps. Haire, West and Rapp

S499 Edgecombe/No Hunting on the Land of Another – Sen. Jenkins

H888 County Bow Hunting – Rep. Spear

ADJOURNMENT

[illegible]

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 969

Short Title: Granville/Registered Land. (Local)

Sponsors: Representative Crawford.

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

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM.

The General Assembly of North Carolina enacts:

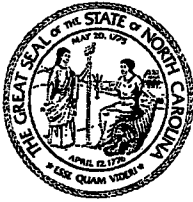
SECTION 1. Subsection (f) of Section 2 of Chapter 159 of the 1991 Session Laws, as amended by Chapter 152 of the 1995 Session Laws, reads as rewritten:

"(f) By September 1 each year, the sheriff must:

- (1) File with the Register of Deeds of Granville County a listing of all tracts of land accepted by him for registration during the ensuing year. This listing must contain an abbreviated description of the location of each tract of land so accepted.
- (2) File with the Register of Deeds a copy of the full description of the boundaries of each tract accepted for registration that year under subsection (b). As to the remaining applications accepted, the sheriff must indicate in his filing with the Register of Deeds the year in which a full description was filed for that tract that met the requirements of subdivision (2) of subsection (b).
- (3) File with the North Carolina Wildlife Resources Commission all of the material required to be filed with the Register of Deeds under subdivisions (1) and (2). The sheriff must also furnish the North Carolina Wildlife Resources Commission with a copy of the signature of each registrant and agent newly authorized to issue entry permits during the ensuing year, and a listing of agents no longer authorized to issue entry permits. In addition, throughout the year as registrants make changes with respect to their authorized agents or there are amended applications that substitute registrants, the sheriff must as soon as feasible inform the Commission of the changes and file with the Commission a copy of the signatures of new registrants and agents.
- (4) ~~Release for publication by appropriate media with coverage in Granville County the listing described in subdivision (1).~~
- (5) Compile and maintain throughout the ensuing year in his office, so that the information is freely available to the public, all of the information covered by this subsection.
- (6) The sheriff shall not be required to meet the filing requirements of subdivisions (1) and (2) of this subsection if all tracts accepted for



1 registration hereunder are shown as a layer in Granville County's Geographic
2 Information System in a manner that is accessible to the public and the
3 Wildlife Resources Commission free of charge."
4 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 969: Granville/Registered Land

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary II	Date:	April 21, 2009
Introduced by:	Rep. Crawford	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 969 amends the law prohibiting the discharge of firearms on registered land in Granville County by allowing the tracts of registered land to be recorded in the geographic information system.*

CURRENT LAW: Chapter 159 of the 1991 Session Laws, as amended by Chapter 152 of the 1995 Session Laws provides for a system in Granville County where land owners or lessees may register their land with the Sheriff of Granville County as land that may not be hunted without permission of the land owner or lessee and require an entry permit for hunting on registered land.

Hunting or possessing a weapon on registered land is a misdemeanor punishable by a fine not to exceed fifty dollars or imprisonment not to exceed 30 days.

BILL ANALYSIS:

House Bill 969 amends Section 2(f) of Chapter 159 of the 1991 Session Laws, as amended by Chapter 152 of the 1995 Session Laws, to provide that if all tracts accepted for registration are shown as a layer in Granville County's Geographic Information System, in a manner that is accessible to the public and the Wildlife Resources Commission free of charge, the sheriff does not have to file the following with the Register of Deeds by September 1 of each year:

- A listing of all tracts of land accepted for registration that year, with an abbreviated description of the location of each tract of land.
- A copy of the full description of the boundaries of each tract accepted for registration that year on which the owner or lessee agrees to grant entry-permits to any person given permission to hunt, or to possess a firearm or bow and arrow on the land.

The bill also removes the requirement that the sheriff release for publication by appropriate media with coverage in Granville County the list of tracts accepted for registration.

EFFECTIVE DATE: This act is effective when it becomes law.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 969 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY II.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 921

Short Title: Lenoir Fox Trapping. (Local)

Sponsors: Representatives Braxton; and Dockham.

Referred to: Wildlife Resources, if favorable, Local Government II.

April 1, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR
COUNTY.

The General Assembly of North Carolina enacts:

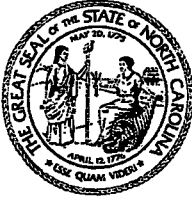
SECTION 1. Notwithstanding any other provision of law, there is an open season
for taking foxes with the use of steel jaw or foothold traps from January 15 through February
28 of each year.

SECTION 2. No season bag limit applies to foxes taken under this act.

SECTION 3. This act applies only to Lenoir County.

SECTION 4. This act is effective when it becomes law.





HOUSE BILL 921: Lenoir Fox Trapping

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Local Government II	Date:	April 22, 2009
Introduced by:	Rep. Braxton	Prepared by:	Susan Sitze
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 921 establishes a season for the trapping of foxes in Lenoir County.*

BILL ANALYSIS: House Bill 921 creates an open season for taking foxes with the use of steel jaw or foothold traps from January 15 through February 28 of each year. No season bag limit applies to foxes taken under this act.

This act applies only to Lenoir County.

EFFECTIVE DATE: This act is effective when it becomes law.

H921-SMSA-43(e1) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 921 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on LOCAL GOVERNMENT II.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1118

Short Title: Standardize Wild Boar Seasons. (Public)

Sponsors: Representatives Haire, West, Rapp (Primary Sponsors); Gibson and Lucas.

Referred to: Wildlife Resources.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE
HARVESTING OF FERAL SWINE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-133.1(e) reads as rewritten:

"(e) Because of strong community interest expressed in their retention, the local acts or portions of local acts listed in this section are not repealed. The following local acts are retained to the extent they apply to the county for which listed:

Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session Laws 1979, Chapter 556.

Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.

Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.

Avery: Former G.S. 113-122.

Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.

Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.

Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season); Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County); Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.

Brunswick: Session Laws 1975, Chapter 218.

Buncombe: Public-Local Laws 1933, Chapter 308.

Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422, Section 3; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636.

Caldwell: Former G.S. 113-122; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636; Session Laws 1979, Chapter 507.

Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters); Session Laws 1967, Chapter 441.

Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.

Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.

Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.

Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.

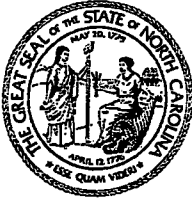
Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.

Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session Laws 1979, Chapter 587.



1 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter
2 506.
3 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.
4 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.
5 Dare: Session Laws 1973, Chapter 259.
6 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.
7 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),
8 Chapter 1266; Session Laws 1979, Chapter 466.
9 Edgecombe: Session Laws 1961, Chapter 408.
10 Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
11 1975, Chapter 748.
12 Granville: Session Laws 1963, Chapter 670.
13 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.
14 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting
15 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
16 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.
17 Henderson: Former G.S. 113-111.
18 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
19 1975, Chapter 748; Session Laws 1977, Chapter 67.
20 Hoke: Session Laws 1963, Chapter 267.
21 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session
22 Laws 1951, Chapter 932.
23 Iredell: Session Laws 1979, Chapter 577.
24 Jackson: Session Laws 1965, Chapter ~~765~~; ~~Session Laws 1971, Chapter 424.~~ 765.
25 Johnston: Session Laws 1975, Chapter 342.
26 Jones: Session Laws 1979, Chapter 441.
27 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
28 Lenoir: Session Laws 1979, Chapter 441.
29 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,
30 Chapter 878.
31 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter
32 1040.
33 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
34 ~~Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68.~~
35 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
36 Nash: Session Laws 1961, Chapter 408.
37 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
38 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session
39 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
40 Orange: Public-Local Laws 1913, Chapter 547.
41 Pamlico: Session Laws 1977, Chapter 636.
42 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws
43 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,
44 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter
45 805; Session Laws 1979, Chapter 546.
46 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws 1973,
47 Chapter 264.
48 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended by
49 Session Laws 1977, Chapter 167.
50 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.

1 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
2 Chapter 348.
3 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.
4 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,
5 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
6 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.
7 Sampson: Session Laws 1979, Chapter 373.
8 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
9 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979,
10 Chapter 556.
11 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);
12 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.
13 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session
14 Laws 1965, Chapter 765.
15 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,
16 Chapter 238.
17 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.
18 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
19 Washington: Session Laws 1947, Chapter 620.
20 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342; as amended by
21 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session
22 Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.
23 Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session
24 Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.
25 Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session
26 Laws 1979, Chapter 507.
27 Yancey: Session Laws 1965, Chapter 522."
28 **SECTION 2.** G.S. 113-129 is amended by adding a new subdivision to read:
29 "(15b) Wild Boar. – Free-ranging mammals of the species *Sus scrofa* that occur in
30 counties identified in the rules of the Wildlife Resources Commission."
31 **SECTION 3.** This act becomes effective October 1, 2009.



HOUSE BILL 1118: Standardize Wild Boar Seasons

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Haire, West, Rapp
Analysis of: First Edition

Date: April 22, 2009
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *House Bill 1118 standardizes wild boar hunting season and the harvesting of feral swine.*

BILL ANALYSIS:

Section 1 of the bill repeals several local acts related to hunting wild boar that currently apply to Burke, Caldwell, Jackson, and Mitchell Counties. The effect of the repeal of these local acts is to make the rules regarding hunting of wild boar consistent across the State.

Section 2 of the bill defines wild boar as "free-ranging mammals of the species *Sus scrofa* that occur in counties identified in the rules of the Wildlife Resources Commission".

EFFECTIVE DATE: This act becomes effective October 1, 2009.

H1118-SMSA-45(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE BILL 499*
State and Local Government Committee Substitute Adopted 4/1/09**

Short Title: Edgecombe/No Hunting on the Land of Another.

(Local)

Sponsors:

Referred to:

March 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT
WRITTEN PERMISSION IN EDGECOMBE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt on the land of another without having on one's
person while hunting the written permission, signed and dated for the current hunting season, of
the landowner or lessee, or the landowner's or lessee's designee.

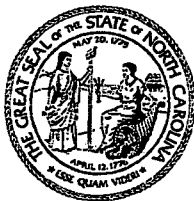
SECTION 2. Violation of this act is a Class 3 misdemeanor for the first offense
and a Class 2 misdemeanor for a second or subsequent offense.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife
Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general
subject matter jurisdiction.

SECTION 4. This act applies only to Edgecombe County.

SECTION 5. This act becomes effective October 1, 2009, and applies to offenses
committed on or after that date.





SENATE BILL 499: Edgecombe/No Hunting on the Land of Another

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Sen. Jenkins
Analysis of: Second Edition

Date: April 22, 2009
Prepared by: Susan Sitze*
Committee Counsel

SUMMARY: *Senate Bill 499 would prohibit hunting on the property of another without the written permission of the landowner or lessee of the land in Edgecombe County.*

[As introduced, this bill was identical to H529, as introduced by Reps. Tolson, Farmer-Butterfield, which is currently in Rules and Operations of the Senate.]

BILL ANALYSIS:

Section 1 of the bill provides that it is unlawful to hunt on the land of another without written permission of the landowner, lessee or their designee. The permission must be signed and dated for the current hunting season.

Section 2 makes violation of the act a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second or subsequent offense.

Section 3 provides that the act may be enforced by Wildlife officers, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

Section 4 provides that the act only applies to Edgecombe County.

EFFECTIVE DATE:

The act becomes effective October 1, 2009 and applies to offenses committed on or after that date.

S499-SMSA-41(e2) v1

*Barbara Riley contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 888
Committee Substitute Favorable 4/13/09

Short Title: County Bow Hunting.

(Local)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE
COUNTY AND WAYNE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 420 of the 1985 Session Laws reads as
rewritten:

"**Section 1.** It is unlawful to hunt with guns or dogs or to hunt with a bow and arrow or
crossbow upon the lands of another without permission from the owner or ~~lessor~~lessee of the
land."

SECTION 2. This act applies only to Hyde County and Wayne County.

SECTION 3. This act becomes effective October 1, 2009, and applies to acts
committed on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 888
Committee Substitute Favorable 4/13/09
PROPOSED COMMITTEE SUBSTITUTE H888-CSSA-15 [v.1]

4/21/2009 12:35:08 PM

Short Title: County Bow Hunting.

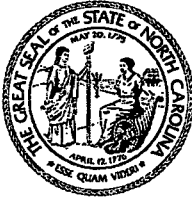
(Local)

Sponsors:

Referred to:

March 31, 2009

1. A BILL TO BE ENTITLED
2. AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE
3. COUNTY AND TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND
4. ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY.
5. The General Assembly of North Carolina enacts:
6. SECTION 1. Section 1 of Chapter 420 of the 1985 Session Laws reads as
7. rewritten:
8. "Section 1. It is unlawful to hunt with guns or dogs or to hunt with a bow and arrow or
9. crossbow upon the lands of another without permission from the owner or ~~lessor~~lessee of the
10. land."
11. SECTION 2. Section 4 of Chapter 420 of the 1985 Session Laws reads as
12. rewritten:
13. "Sec. 4. This act applies only to Hyde County and Wayne County. "
14. SECTION 3. This act becomes effective October 1, 2009, and applies to acts
15. committed on or after that date.



HOUSE BILL 888: County Bow Hunting

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Spear
Analysis of: PCS to Second Edition
H888-CSSA-15

Date: April 22, 2009
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 888 regulates bow hunting on the lands of another in Hyde County and regulates hunting with guns, dogs, or bow and arrow on the lands of another in Wayne County.*

BILL ANALYSIS:

Section 1 amends Section 1 of Chapter 420 of the 1985 Session Laws to provide that it is unlawful to hunt with a bow and arrow or crossbow upon the lands of another without permission from the owner or lessee of the land.

Section 2 amends Section 4 of Chapter 420 of the 1985 Session Laws to provide that the Session Law applies also to Wayne County. Currently, the Session Law only applies to Hyde County.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to acts committed on or after that date.

BACKGROUND:

Chapter 420 of the 1985 Session Laws is set out below.

CHAPTER 420 HOUSE BILL 432

AN ACT TO REGULATE HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. It is unlawful to hunt with guns or dogs upon the lands of another without permission from the owner or lessor of the land.

Sec. 2. Violation of this act is a misdemeanor punishable by a fine of fifty dollars (\$50.00) or imprisonment not to exceed 30 days.

Sec. 3. This act is enforceable by enforcement officers of the North Carolina Wildlife Resources Commission, by deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

Sec. 4. This act applies only to Hyde County. Sec. 5. This act shall become effective 30 days after ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

HB 888 A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY AND WAYNE COUNTY.

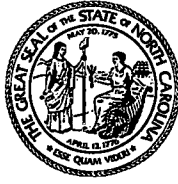
☒ With a favorable report as to Committee substitute bill #2, which changes the title, unfavorable as to Committee Substitute Bill #1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, April 29, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, April 29, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Roger West, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Lucas, McLawhorn, Rhyne, Spear, and Stiller. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the Agenda and Visitors Registration Sheet (Attachments II and III).

Representative Williams, presiding, called the meeting to order at 12:00 p.m. and welcomed visitors. Chair Williams then recognized the Sgt.-in-Arms: Dusty Rhodes, Tom Wilder and Rod Finger; and page Sara Whittington from Wilkes County sponsored by Rep. Randleman.

First on the agenda was S499 Edgecombe/No Hunting on the Land of Another, an act to prohibit hunting on the property of another without written permission in Edgecombe County, sponsored by Senator Jenkins. (Attachments IV and V, bill and analysis) Chair Williams called upon Sen. Jenkins to explain his bill.

Sen. Jenkins stated the bill only applied to Edgecombe County and Orange County where you would need written permission to be hunting on someone's land.

Rep. Lucas made the observation that most people who hunt try to do it in the right way. Rep. Lucas asked if, in fact, you are hunting and on a piece of property where you have permission to hunt, then there is an adjacent piece of property that you don't have permission to hunt and your dogs happen to move onto the other piece of property, could you go on the property that is prohibited in an attempt to retrieve your dogs. Rep. Lucas questioned whether or not Sen. Jenkins saw this as a problem. Sen. Jenkins replied that was one of the problems they were trying to address. Some people do not play by the rules, which prompted this bill. If your dog goes on the neighbor's land and you are going over there simply to retrieve the dog, then that is not what they want to enforce. What they are trying to enforce is that you are intentionally hunting on some land where you do not have permission to do so.

Rep. Love asked suppose your son wanted to hunt on the land and you own the land or your company owns the land, do you have to give him written permission. Sen. Jenkins stated that if you are given permission to hunt on the land and your son goes with you, then your son has to have written permission as well. Everyone hunting must have permission on them.

Rep. McLawhorn made motion for a favorable report for SB499. Motion carried. (Attachment VI)

Next on the agenda was HB1118 Standardize Wild Boar Seasons, an act to standardize wild boar hunting season and the harvesting of feral swine. (Attachments VII and VIII, bill and analysis) Chair Williams stated that there was a proposed committee substitute for HB1118 Standardize Wild Boar Seasons/Swine Study, an act to standardize wild boar hunting season and the harvesting of feral swine and to direct the Department of Agriculture and Consumer Services to study issues related to the importation of feral swine in North Carolina. (Attachment IX) Motion made by Rep. West to bring the proposed committee substitute before the committee. Motion carried. Chair Williams then called upon Rep. Haire to explain his bill.

Rep. Haire stated the bill was for the counties listed. If a county is not listed, then that county does not have boars. Over the years, special bills have come through the General Assembly dealing with hunting wild boar, and in some cases, conflicted with bear seasons. Rep. Haire stated his bill would take all the local bills, repealed them, and then establish a boar season to be set by the Wildlife Commission. The Wildlife Commission is fine with the bill. Section 2 of the bill defines "boar". Boars are wild animals with a tusk and were brought over back in the early 1900 when some fellow was going to establish a hunting preserve out in Graham County. He brought in a bunch of exotic animals. Most of the animals died out, except the boar which did very well. The hunting preserve is now gone, but the boars survived and became wild. Rep. Haire explained feral hogs are wild hogs that people either turn loose or get loose on their own. They are not boar and do not have a tusk. These feral hogs grow up wild in the woods and root up people's gardens. They can do a lot of damage. They mostly come out at nighttime so they are hard to control. Rep. Haire stated he was advised by someone that people were bringing in wild hogs and dumping them down in the eastern part of the state. The proposed committee substitute directs the Department of Agriculture and Consumer Services to study issues related to the importation of feral swine in North Carolina, including the associated risks and potential economic impact of that importation.

Rep. Spear stated he felt it was a good bill especially section 3A relating to the study provision as that was a concern of the industry.

Rep. Gulley asked what they were trying to accomplish with this bill. Rep. Haire stated the bill was trying to make boar hunting uniform throughout the state. Rep. Gulley questioned whether or not there was already a season for boars. Rep. Haire replied yes. Rep. Haire also mentioned the boar in Rep. Gulley's office, which he killed in Anson County.

Rep. Stiller stated the bill contained Brunswick County. He questioned whether or not there was currently a hunting season and if so, was Rep. Haire wanting to get rid of it, allow for greater opportunities for hunting, or was it going to narrow the season. Rep. Haire stated that season would be uniform across the state as set by state Wildlife regulations. Rep. Stiller stated there were different times for hunting seasons for the Mountains, Piedmont and Coastal. For example, deer hunting on the coast is much longer than in the mountains. He did not want the season reduced. Rep. Stiller requested clarification. Sarah Clapp, Legislative Liaison for the Wildlife Resources Commission, stated that it was her understanding that feral hogs could be hunted at any time. Rep. Stiller stated his question referred to boars. Durwood Laughinghouse, Wildlife Commissioner, stated the wild boar area was generally up in the mountains. Those are the specific counties that have wild boars, the rest of the state does not have wild boar. It is unusual that Rep. Gulley killed a boar in his county. That county is not normally in wild boar area.

Rep. Gulley stated that more of the hogs in his area are like the ones you see in his office.

Rep. Rhyne stated that he had a wild boar in my law office; however, it is smaller than Rep. Gulley's boar. Rep. Rhyne asked if boars and feral hogs interbred. Darrell Laughinghouse stated that he had not heard of a lot of complaints or concerns about feral hogs in that part of the state interbreeding with wild boar and creating a third variety of hog, but anything was possible. He stated that coyotes and red wolves were breeding together and that was creating a problem.

Rep. Rhyne stated that it was a serious question. He understood that when the Russian boar was brought in and turned them out in the preserve they got out and all interbred with feral hogs. Now, you have pure bred versus less pure bred hogs. There are only seven or eight areas where the season is set for wild boar. Outside of those areas, they are fair game 365 days.

Rep. Spears made motion that HB1118 be given a favorable report as to the committee substitute, which changes the title, unfavorable to the original bill. Motion carried. (Attachment X)

The next bill on the agenda was HB970 Granville County Hunting, an act to regulate hunting in Granville County, sponsored by Rep. Crawford. Rep. Crawford was unavailable to run bill; however, Rep. Wray stated that he would run the bill in his place. (Attachments XI and XII, bill and analysis) Rep. Wray explained the bill was a local act to regulate hunting in Granville County and was endorsed by the Granville County Commissioners. It will make it unlawful to release a dog or dogs onto the property of another for the purpose of hunting deer or to release a dog or dogs with actual or constructive knowledge that the dog or dogs will likely go on the land of another in pursuit of a deer without written consent. It is in compliance with the Wildlife Resource Commission when you register your property through the state and also posting requirements for no trespassing.

Rep. Cleveland expressed concern about releasing dog or dogs with actual or constructive knowledge that the dog or dogs will likely go on the land of another in pursuit of deer. He stated that while he had not hunted with dogs in years, but when he did the dogs would run for miles. If there was a sign on posted property 2-1/2 miles up the road and he was hunting on a piece of property which he was allowed to hunt on, those dogs could very well run upon posted property. Rep. Cleveland stated he would have constructive knowledge that might happen. He stated he had a problem with the definition of what you think your dogs are going to do. Rep. Wray replied that he could not speak for the way dogs run, but felt the thing about deer hunting was a lot of the deer hunters might have 20 acres leased and the dogs go onto a 500 acre tract where the land is posted. Hunters cannot go on the property but, of course, a lot of dogs have tracking collars where the hunters can retrieve their dogs when they come off that property. Rep. Wray stated that is was Rep. Crawford's bill and a request from the Granville County Commissioners.

Rep. Lucas stated that he had the same observation as Rep. Cleveland. There was no way of knowing where dogs were going to go. Rep. Wray stated no one knew that, but it is a Granville County local bill and only applied to that county. Susan Sitze stated that it was a matter of interpretation. A law enforcement or wildlife officer could determine whether or not you could have known if it was possible for your dogs to go onto posted property.

Chair Williams recognized Joe McClees for comment. Joe McClees, NC Sporting Dogs lobbyist, stated there was nothing wrong with posting the property or keeping people off your property, but the language in the bill was too vague. He asked the committee to oppose the bill as it was presently written.

Rep. Williams displaced the bill until next week so that Rep. Crawford could handle his bill.

The meeting was adjourned at 12: 41 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, April 29, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

H970 Granville County Hunting – Rep. Crawford

H1118 Standardize Wild Boar Seasons – Reps. Haire, West and Rapp

S499 Edgecombe/No Hunting on the Land of Another – Sen. Jenkins

ADJOURNMENT

VISITOR REGISTRATION SHEET

Wildlife

Name of Committee

4/29/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Penny Griffin	School of Gov.
Sarah Clapp	NCWRP
Angie Whitener	NC Park
Joy Hicks	NCDAICS
Jue McCreas	McCreas Counsel
PSB	NCFB
Quinn Loughry	WRC
Henri McCreas	McCreas Counsel

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE BILL 499*
State and Local Government Committee Substitute Adopted 4/1/09**

Short Title: Edgecombe/No Hunting on the Land of Another. (Local)

Sponsors:

Referred to:

March 11, 2009

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT
WRITTEN PERMISSION IN EDGECOMBE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt on the land of another without having on one's person while hunting the written permission, signed and dated for the current hunting season, of the landowner or lessee, or the landowner's or lessee's designee.

SECTION 2. Violation of this act is a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second or subsequent offense.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Edgecombe County.

SECTION 5. This act becomes effective October 1, 2009, and applies to offenses committed on or after that date.





SENATE BILL 499: Edgecombe/No Hunting on the Land of Another

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Sen. Jenkins
Analysis of: Second Edition

Date: April 22, 2009
Prepared by: Susan Sitze*
Committee Counsel

SUMMARY: *Senate Bill 499 would prohibit hunting on the property of another without the written permission of the landowner or lessee of the land in Edgecombe County.*

[As introduced, this bill was identical to H529, as introduced by Reps. Tolson, Farmer-Butterfield, which is currently in Rules and Operations of the Senate.]

BILL ANALYSIS:

Section 1 of the bill provides that it is unlawful to hunt on the land of another without written permission of the landowner, lessee or their designee. The permission must be signed and dated for the current hunting season.

Section 2 makes violation of the act a Class 3 misdemeanor for the first offense and a Class 2 misdemeanor for a second or subsequent offense.

Section 3 provides that the act may be enforced by Wildlife officers, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.

Section 4 provides that the act only applies to Edgecombe County.

EFFECTIVE DATE:

The act becomes effective October 1, 2009 and applies to offenses committed on or after that date.

S499-SMSA-41(e2) v1

*Barbara Riley contributed substantially to this summary.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

SB 499 A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE
PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGECOMBE
COUNTY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1118

Short Title: Standardize Wild Boar Seasons. (Public)

Sponsors: Representatives Haire, West, Rapp (Primary Sponsors); Gibson and Lucas.

Referred to: Wildlife Resources.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE
HARVESTING OF FERAL SWINE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-133.1(e) reads as rewritten:

"(e) Because of strong community interest expressed in their retention, the local acts or portions of local acts listed in this section are not repealed. The following local acts are retained to the extent they apply to the county for which listed:

Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session Laws 1979, Chapter 556.

Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.

Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.

Avery: Former G.S. 113-122.

Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.

Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.

Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season); Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County); Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.

Brunswick: Session Laws 1975, Chapter 218.

Buncombe: Public-Local Laws 1933, Chapter 308.

Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session), Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422, Section 3; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636.

Caldwell: Former G.S. 113-122; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636; Session Laws 1979, Chapter 507.

Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters); Session Laws 1967, Chapter 441.

Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.

Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.

Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.

Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.

Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.

Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session Laws 1979, Chapter 587.



1 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter
2 506.
3 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.
4 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.
5 Dare: Session Laws 1973, Chapter 259.
6 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.
7 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),
8 Chapter 1266; Session Laws 1979, Chapter 466.
9 Edgecombe: Session Laws 1961, Chapter 408.
10 Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
11 1975, Chapter 748.
12 Granville: Session Laws 1963, Chapter 670.
13 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.
14 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting
15 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
16 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.
17 Henderson: Former G.S. 113-111.
18 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
19 1975, Chapter 748; Session Laws 1977, Chapter 67.
20 Hoke: Session Laws 1963, Chapter 267.
21 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session
22 Laws 1951, Chapter 932.
23 Iredell: Session Laws 1979, Chapter 577.
24 Jackson: Session Laws 1965, Chapter 765; ~~Session Laws 1971, Chapter 424.~~ 765.
25 Johnston: Session Laws 1975, Chapter 342.
26 Jones: Session Laws 1979, Chapter 441.
27 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
28 Lenoir: Session Laws 1979; Chapter 441.
29 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,
30 Chapter 878.
31 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter
32 1040.
33 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
34 ~~Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68.~~
35 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
36 Nash: Session Laws 1961, Chapter 408.
37 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
38 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session
39 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
40 Orange: Public-Local Laws 1913, Chapter 547.
41 Pamlico: Session Laws 1977, Chapter 636.
42 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws
43 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,
44 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter
45 805; Session Laws 1979, Chapter 546.
46 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws 1973,
47 Chapter 264.
48 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended by
49 Session Laws 1977, Chapter 167.
50 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.

1 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
2 Chapter 348.
3 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.
4 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,
5 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
6 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.
7 Sampson: Session Laws 1979, Chapter 373.
8 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
9 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979,
10 Chapter 556.
11 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);
12 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.
13 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session
14 Laws 1965, Chapter 765.
15 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,
16 Chapter 238.
17 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.
18 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
19 Washington: Session Laws 1947, Chapter 620.
20 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by
21 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session
22 Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.
23 Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session
24 Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.
25 Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session
26 Laws 1979, Chapter 507.
27 Yancey: Session Laws 1965, Chapter 522."

28 **SECTION 2.** G.S. 113-129 is amended by adding a new subdivision to read:

29 "(15b) Wild Boar. – Free-ranging mammals of the species *Sus scrofa* that occur in
30 counties identified in the rules of the Wildlife Resources Commission."

31 **SECTION 3.** This act becomes effective October 1, 2009.



HOUSE BILL 1118: Standardize Wild Boar Seasons

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Haire, West, Rapp
Analysis of: First Edition

Date: April 22, 2009
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *House Bill 1118 standardizes wild boar hunting season and the harvesting of feral swine.*

BILL ANALYSIS:

Section 1 of the bill repeals several local acts related to hunting wild boar that currently apply to Burke, Caldwell, Jackson, and Mitchell Counties. The effect of the repeal of these local acts is to make the rules regarding hunting of wild boar consistent across the State.

Section 2 of the bill defines wild boar as "free-ranging mammals of the species *Sus scrofa* that occur in counties identified in the rules of the Wildlife Resources Commission".

EFFECTIVE DATE: This act becomes effective October 1, 2009.

H1118-SMSA-45(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H**2**

**HOUSE BILL 1118
Committee Substitute Favorable 4/30/09**

Short Title: Standardize Wild Boar Seasons/Swine Study.

(Public)

Sponsors:

Referred to:

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE
3 HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF
4 AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO
5 THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. G.S. 113-133.1(e) reads as rewritten:
8 "(e) Because of strong community interest expressed in their retention, the local acts or
9 portions of local acts listed in this section are not repealed. The following local acts are retained
10 to the extent they apply to the county for which listed:
11 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session
12 Laws 1979, Chapter 556.
13 Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.
14 Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.
15 Avery: Former G.S. 113-122.
16 Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter
17 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.
18 Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.
19 Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season);
20 Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County);
21 Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.
22 Brunswick: Session Laws 1975, Chapter 218.
23 Buncombe: Public-Local Laws 1933, Chapter 308.
24 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session),
25 Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422,
26 Section 3; ~~Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68;~~
27 Session Laws 1977, Chapter 636.
28 Caldwell: Former G.S. 113-122; ~~Session Laws 1965, Chapter 608, as amended by Session~~
29 ~~Laws 1977, Chapter 68;~~ Session Laws 1977, Chapter 636; Session Laws 1979, Chapter 507.
30 Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters);
31 Session Laws 1967, Chapter 441.
32 Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.
33 Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.
34 Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.
35 Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.
36 Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.



- 1 Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session
- 2 Laws 1979, Chapter 587.
- 3 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter
- 4 506.
- 5 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.
- 6 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.
- 7 Dare: Session Laws 1973, Chapter 259.
- 8 Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.
- 9 Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),
- 10 Chapter 1266; Session Laws 1979, Chapter 466.
- 11 Edgecombe: Session Laws 1961, Chapter 408.
- 12 Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
- 13 1975, Chapter 748.
- 14 Granville: Session Laws 1963, Chapter 670.
- 15 Greene: Session Laws 1975, Chapter 219; Session Laws 1979, Chapter 360.
- 16 Halifax: Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox-hunting
- 17 seasons); Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
- 18 Haywood: Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.
- 19 Henderson: Former G.S. 113-111.
- 20 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
- 21 1975, Chapter 748; Session Laws 1977, Chapter 67.
- 22 Hoke: Session Laws 1963, Chapter 267.
- 23 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session
- 24 Laws 1951, Chapter 932.
- 25 Iredell: Session Laws 1979, Chapter 577.
- 26 Jackson: Session Laws 1965, Chapter ~~765~~; ~~Session Laws 1971, Chapter 424~~; 765.
- 27 Johnston: Session Laws 1975, Chapter 342.
- 28 Jones: Session Laws 1979, Chapter 441.
- 29 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
- 30 Lenoir: Session Laws 1979, Chapter 441.
- 31 Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,
- 32 Chapter 878.
- 33 Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter
- 34 1040.
- 35 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
- 36 ~~Mitchell: Session Laws 1965, Chapter 608, as amended by Session Laws 1977, Chapter 68.~~
- 37 Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.
- 38 Nash: Session Laws 1961, Chapter 408.
- 39 New Hanover: Session Laws 1971, Chapter 559; Session Laws 1975, Chapter 95.
- 40 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session
- 41 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
- 42 Orange: Public-Local Laws 1913, Chapter 547.
- 43 Pamlico: Session Laws 1977, Chapter 636.
- 44 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws
- 45 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,
- 46 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter
- 47 805; Session Laws 1979, Chapter 546.
- 48 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws 1973,
- 49 Chapter 264.
- 50 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended by
- 51 Session Laws 1977, Chapter 167.

1 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.
2 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
3 Chapter 348.
4 Rockingham: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310.
5 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,
6 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
7 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.
8 Sampson: Session Laws 1979, Chapter 373.
9 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
10 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979,
11 Chapter 556.
12 Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);
13 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.
14 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session
15 Laws 1965, Chapter 765.
16 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,
17 Chapter 238.
18 Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.
19 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
20 Washington: Session Laws 1947, Chapter 620.
21 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by
22 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session
23 Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.
24 Wilkes: Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session
25 Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.
26 Yadkin: Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session
27 Laws 1979, Chapter 507.
28 Yancey: Session Laws 1965, Chapter 522."

29 **SECTION 2.** G.S. 113-129 is amended by adding a new subdivision to read:

30 "(15b) Wild Boar. – Free-ranging mammals of the species *Sus scrofa* that occur in
31 counties identified in the rules of the Wildlife Resources Commission."

32 **SECTION 3.(a)** The Department of Agriculture and Consumer Services, in
33 consultation with the Wildlife Resources Commission, the United States Department of
34 Agriculture's Animal and Plant Health Inspection Services, and a cross section of interested
35 agricultural organizations, shall study issues related to the importation of feral swine in North
36 Carolina, including the associated risks and potential economic impact of that importation. In
37 the course of its study, the Department may consider population estimates, disease risks, and
38 efforts that could be undertaken to mitigate any risks posed by feral swine to the ecosystem or
39 the agricultural industry of the State, including an examination of enforcement issues and
40 existing penalties for the illegal transportation of feral swine into and around the State. In
41 conducting its study, the Department shall solicit input from the following, as well as any other
42 persons or groups with expertise on the subject:

- 43 (1) Swine veterinarians working in the pork industry;
- 44 (2) Confinement operation-type swine farmers;
- 45 (3) Pasture-raised operation-type swine farmers; and
- 46 (4) Sportsmen.

47 **SECTION 3.(b)** The Department shall report its findings and recommendations,
48 including any legislative proposals, to the Chairs of the House Agriculture Committee and the
49 Senate Agriculture, Environment, and Natural Resources Committee during the 2010 Regular
50 Session of the 2009 General Assembly.

1 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2009. The
2 remainder of this act becomes effective July 1, 2009.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 1118

A BILL TO BE ENTITLED AN ACT TO STANDARDIZE WILD
BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE.

☒ With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

2

**HOUSE BILL 970
Committee Substitute Favorable 4/22/09**

Short Title: Granville County Hunting.

(Local)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED
AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful for a person to release a dog or dogs onto the property of another for the purpose of hunting deer or to release a dog or dogs with knowledge, actual or constructive, that the dog or dogs will likely go on the land of another in pursuit of deer, without the written consent of the landowner or lessee if the property:

(1) Is posted as provided in Article 22A of Chapter 14 of the General Statutes;

(2) Has been registered and posted as provided in Article 21A of Chapter 113 of the General Statutes; or

(3) Has been registered and posted as provided in Chapter 159 of the 1991 Session Laws, as amended by Chapter 152 of the 1995 Session Laws.

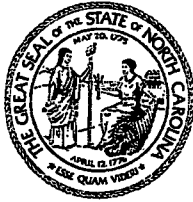
SECTION 2. Violation of this act is a Class 2 misdemeanor.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Granville County.

SECTION 5. This act becomes effective October 1, 2009, and applies to acts committed on or after that date.





HOUSE BILL 970: Granville County Hunting

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Crawford
Analysis of: Second Edition

Date: April 28, 2009
Prepared by: Susan Sitze*
 Committee Counsel

SUMMARY: *House Bill 970 is a local act that would regulate hunting in Granville County.*

BILL ANALYSIS: House Bill 970 would make it unlawful to do **either** of the following without the written consent of the landowner or lessee:

- To release a dog or dogs onto the property of another for the purpose of hunting deer.
- To release a dog or dogs with actual or constructive knowledge that the dog or dogs will likely go on the land of another in pursuit of deer.

These restrictions apply as long as the property complies with **any** of the following:

- Meets the posting requirements¹ of Article 22A of Chapter 14.
- Has been registered with the Wildlife Resources Commission and meets posting requirements.
- Has been registered with the sheriff of Granville County and meets posting requirements.

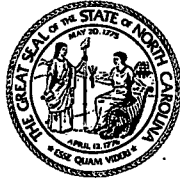
A violation of the act is a Class 2 misdemeanor. The act is enforceable by the law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and other peace officers with subject matter jurisdiction.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to acts committed on or after that date.

H970-SMSA-56(e2) v1

Brad Krehely contributed substantially to this summary.

¹ The posting requirements are designed to notify others that this type of hunting is prohibited. The posting requirements govern how large the signs must be (i.e. not less than 120 square inches) and where the signs must be placed on the property (i.e. not more than 200 yards apart close to and along the boundaries).



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, May 6, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 Noon in Room 415 of the Legislative Office Building on Wednesday, May 6, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Roger West, and Michael Wray, Vice-Chairs; and Representatives Gulley, Lucas, Spear, Rhyne and Stiller. Staff Member Susan Sitze was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and visitor registration sheet (Attachments II and III).

Representative Arthur Williams, presiding, called the meeting to order at 12:05 p.m. and welcomed the visitors. Chair Williams recognized Sgt.-in-Arms: Tom Wilder and Jerald Perry and pages: Darby Cox from Buncombe County sponsored by Rep. Gillespie and Carolyn Byrd from Lenoir County sponsored by Rep. Braxton.

First on the agenda was HB970 Granville County Hunting, an act to regulate hunting in Granville County (Attachment IV), sponsored by Rep. Crawford. Motion was made by Rep. Wray to bring the proposed committee substitute (Attachments V and VI-bill and analysis) before the committee. Said motion carried. Rep. Crawford was called upon to explain his bill.

Rep. Crawford explained that the bill was requested by Granville County after conducting public hearings. The propose committee substitute took out some of the more stringent language contained in the bill.

Rep. Lucas stated that the language as now constructed satisfied his concerns as a dog hunter. He stated if a hunter deliberately released his dogs on the property of another, then he felt that hunter ought to be prosecuted. He believed the bill would allow a hunter to go and retrieve his dog that had unintentionally strayed over onto the property of another. Rep. Crawford replied that dogs going onto the property of another would not be a problem since Granville County dogs could read.

Rep. Cleveland stated that he could not help but to feel that we are setting up the demise of dog hunting in the state of North Carolina. Unfortunately, most people do not have dogs that can read. He felt that there were becoming more and more restrictions from

various counties and it was going to wind up where a dog owner would have to run his dogs in a fenced area. He would be sorry to see that happen.

Rep. West made motion for a favorable report as to the committee substitute, unfavorable as to the original bill. Motion carried. Rep. Cleveland requested his vote be recorded as no. (Attachment VII: Committee Report)

The next bill was H1419 Bat Protection Act, an act to authorize the Wildlife Resources Commission to develop a bat eviction and exclusion curriculum to be used by other associations or organizations sponsored by Reps. Cleveland, Lucas and Gulley (Attachment VIII). Rep. West made motion to bring the proposed committee substitute (Attachments IX and X, bill and analysis) before the committee and said motion carried.

Chair Williams then called upon Rep. Cleveland to explain the bill.

Rep. Cleveland explained that the proposed committee substitute authorized the Wildlife Resource Commission to develop a bat eviction and exclusion curriculum that may be taught by other trade associations or wildlife conservations organizations for certification. It would also provide some certification towards the Wildlife Damage Control Agent certification in best management practices for removing and evicting bats.

Gordon Myers, Executive Director of the Wildlife Commission, stated that the Commission had strong concerns with the original version, but they have no objection to the proposed committee substitute.

Rep. Lucas made motion for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the bill be re-referred to the Committee on Ways and Means and Broadband Connectivity. Motion carried. (Attachment XI: Committee Report)

The next bill was HB406 Western Justus Academy/Wildlife Resources Firing/Archery Range, an act to direct the Department of Justice and the Wildlife Resources Commission to develop jointly a plan for construction of a firing range for use by criminal justice officers attending the Western Justice Academy, law enforcement officers of the Wildlife Resources Commission and others and for a firing and archery range open and accessible for public use; and to provide that any firing range constructed on the grounds of the Larry T. Justus Western Justice Academy shall be an indoor facility, sponsored by Rep. Justus. (Attachment XII). Chair Williams instructed the committee that the bill was for discussion purposes only. He then called upon Rep. Justus to explain her bill.

Rep. Justus explained that the bill was voted out of the Local Government Committee, but had not been officially reported out. The bill was originally two separate bills. One bill directed Wildlife and the Department of Justice to design a range and the other bill stated no outdoor range would be built on the existing Justice Academy property. They were combined into one bill. Rep. Justus stated that the Western Justice Academy was very important to her because it was named for her late husband and she wanted it to be a

great facility to train law enforcement officers. She also wanted the Academy to be a good neighbor to the people in Edneyville. In 2007-08 session, the Governor appropriated money for a firing range. She thought this was a wonderful idea, but never imagined that the Academy would decide to put the range outside in a community on existing property. The people of Edneyville got really, really upset about it and they had hearings and they had rallies. Finally, we got the Department of Justice to meet with the Wildlife Commission who had several thousands of acres in Henderson and Polk Counties. A compromise was worked out. Wildlife would set aside 10 acres for an outdoor range, a sniper range, a combat range and a pistol range and Wildlife would get to use it for their training. Wildlife would get to use the classroom for teaching their hunter safety program and they would also get to have a range for guns and archery that the public needed. This was absolutely the best solution that we could come up with and Polk County agreed to it.

Rep. Cleveland asked if they are building two separate ranges, an indoor facility and an outside operation. Rep. Justus replied that it will be outdoor range on Wildlife property. The bill states that if a firing range was erected on the property of the existing Justice Academy it would be indoors. Rep. Cleveland asked if the 10 acres was not on the existing Justice Academy. Rep. Justus advised no the outdoor range was on wildlife property.

Rep. Gulley asked whether a range was going to be built outdoors at the Justice Academy too. Rep. Justus responded that there would be no outdoor range built on site at the existing Justus Academy. Rep. Gulley asked why bill could not be voted on today.

Chair Williams explained that the bill had not been officially referred to this Committee and will not be reported in until today.

Rep. Lucas stated that he fully supported the bill.

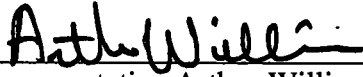
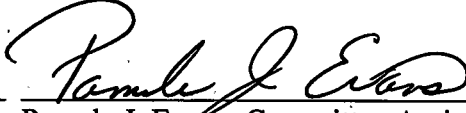
Rep. Spears referred to Section 3 Funds appropriated to the Department of Justice. He asked if those funds were still there or had Governor taken them back. Rep. Spears further stated that if there were sufficient funds available, then he was all for it. Rep. Justus replied that some of the funds had been used for design and things like that but the rest of the funds were still there. Rep. Justus stated it would take less than \$1 million to move it the range to the Wildlife property and to build the range. No appropriations are being requested from the General Assembly. Any additional funding would be through grants.

Rep. Rhyne stated that he was happy to be a part of this and it would be his honor to make the motion tomorrow.

Gordon Myers stated that from the Wildlife Commission's perspective this was a critical component for them. Those lands were purchased with sportsmen's dollars and the Commission believes it mitigates that and is a good deal for sportsmen. The Commission

supports the bill. Rep. Justus stated that she felt this was the best possible solution for a two year long problem.

The meeting was adjourned at 12:19 p.m.

	
Representative Arthur Williams, Chair	Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday, May 6, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

H970 Granville County Hunting – Rep. Crawford

H1419 Bat Protection Act – Reps. Cleveland, Lucas and Gulley

**H406 West. Just. Acad./Wildlife Res. Firing Range – Rep. Justus (for discussion
purposes only)**

ADJOURNMENT

VISITOR REGISTRATION SHEET

WILDLIFE RESOURCES

Name of Committee

6-MAY-2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

¹¹
Sarah Clapp

NCWRD

GORDON MYERS

NEWRC

Joe McCrees

N.C. Sporty Days

Quarrel Laughinghouse

WS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 970
Committee Substitute Favorable 4/22/09

Short Title: Granville County Hunting.

(Local)

Sponsors:

Referred to:

April 2, 2009

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

4 SECTION 1. It is unlawful for a person to release a dog or dogs onto the property
5 of another for the purpose of hunting deer or to release a dog or dogs with knowledge, actual or
6 constructive, that the dog or dogs will likely go on the land of another in pursuit of deer,
7 without the written consent of the landowner or lessee if the property:

8 (1) Is posted as provided in Article 22A of Chapter 14 of the General Statutes;

9 (2) Has been registered and posted as provided in Article 21A of Chapter 113 of
10 the General Statutes; or

11 (3) Has been registered and posted as provided in Chapter 159 of the 1991
12 Session Laws, as amended by Chapter 152 of the 1995 Session Laws.

13 SECTION 2. Violation of this act is a Class 2 misdemeanor.

14 SECTION 3. This act is enforceable by law enforcement officers of the Wildlife
15 Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with
16 general subject matter jurisdiction.

17 SECTION 4. This act applies only to Granville County.

18 SECTION 5. This act becomes effective October 1, 2009, and applies to acts
19 committed on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 970
Committee Substitute Favorable 4/22/09
PROPOSED COMMITTEE SUBSTITUTE H970-CSSA-26 [v.1]

5/5/2009 5:38:17 PM

Short Title: Granville County Hunting.

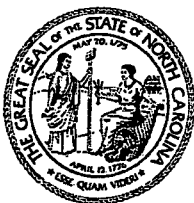
(Local)

Sponsors:

Referred to:

April 2, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. It is unlawful for a person to release a dog or dogs onto the property
5 of another for the purpose of hunting deer, without the written consent of the landowner or
6 lessee, if the property:
7 (1) Is posted as provided in Article 22A of Chapter 14 of the General Statutes;
8 (2) Has been registered and posted as provided in Article 21A of Chapter 113 of
9 the General Statutes; or
10 (3) Has been registered and posted as provided in Chapter 159 of the 1991
11 Session Laws, as amended by Chapter 152 of the 1995 Session Laws.
12 SECTION 2. Violation of this act is a Class 2 misdemeanor.
13 SECTION 3. This act is enforceable by law enforcement officers of the Wildlife
14 Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with
15 general subject matter jurisdiction.
16 SECTION 4. This act applies only to Granville County.
17 SECTION 5. This act becomes effective October 1, 2009, and applies to acts
18 committed on or after that date.



HOUSE BILL 970: Granville County Hunting

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Crawford
Analysis of: PCS to Second Edition
 H970-CSSA-26

Date: May 5, 2009
Prepared by: Susan Sitze
 Committee Counsel

SUMMARY: *House Bill 970 is a local act that would regulate hunting in Granville County.*

BILL ANALYSIS: House Bill 970 would make it unlawful to release a dog or dogs onto the property of another for the purpose of hunting deer.

This restriction applies as long as the property complies with **any** of the following:

- Meets the posting requirements¹ of Article 22A of Chapter 14.
- Has been registered with the Wildlife Resources Commission and meets posting requirements.
- Has been registered with the sheriff of Granville County and meets posting requirements.

A violation of the act is a Class 2 misdemeanor. The act is enforceable by the law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and other peace officers with subject matter jurisdiction.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to acts committed on or after that date.

H970-SMSA-67(CSSA-26) v1

¹ The posting requirements are designed to notify others that this type of hunting is prohibited. The posting requirements govern how large the signs must be (i.e. not less than 120 square inches) and where the signs must be placed on the property (i.e. not more than 200 yards apart close to and along the boundaries).

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute # 1 for

HB 970 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN
GRANVILLE COUNTY.

☒ With a favorable report as to Committee Substitute Bill 2, unfavorable as to Committee
Substitute Bill 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1419

Short Title: Bat Protection Act.

(Public)

Sponsors: Representatives Cleveland, Lucas, and Gulley (Primary Sponsors).

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

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE CAPTURE, INJURY, KILLING, OR DISTURBANCE OF
BATS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-337 reads as rewritten:

"§ 113-337. Unlawful acts; penalties.

(a) It is unlawful:

(1) To take, possess, transport, sell, barter, trade, exchange, export, or offer for sale, barter, trade, exchange or export, or give away for any purpose including advertising or other promotional purpose any animal on a protected wild animal list, except as authorized according to the regulations of the Commission, including those promulgated pursuant to ~~G.S. 113-333(1);~~ G.S. 113-333(1).(1a) To capture, injure, or kill a bat, disturb a bat in its roost, or deliberately disturb a group of bats, or intentionally obstruct access to a bat roost; however, nothing in this subdivision prevents a certified wildlife control agent from engaging in bat exclusion actions otherwise authorized by the Commission.

(2) To perform any act specifically prohibited by the regulations of the Commission promulgated pursuant to its authority under G.S. 113-333.

(b) Each person convicted of violating the provisions of this Article is guilty of a Class 1 misdemeanor."

SECTION 2. This act becomes effective December 1, 2009, and applies to acts committed on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1419
PROPOSED COMMITTEE SUBSTITUTE H1419-CSSA-27 [v.1]

5/5/2009 5:58:34 PM

Short Title: Bat Protection Act.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP
3 A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER
4 ASSOCIATIONS OR ORGANIZATIONS.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. G.S. 113-333 is amended by adding a new subsection to read:
7 "(d) The Commission is authorized to develop a bat eviction and exclusion curriculum
8 that may be taught by trade associations or wildlife conservation organizations for certification.
9 The curriculum may incorporate the training that is provided as part of Wildlife Damage
10 Control Agent certification in best management practices for removing and evicting bats from
11 structures and in preventing bats from reentering structures."
12 SECTION 2. This act is effective when it becomes law.



A "

Attachment Y

HOUSE BILL 1419: Bat Protection Act

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Ways and Means/Broadband Connectivity	Date:	May 5, 2009
Introduced by:	Reps. Cleveland, Lucas, Gulley	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H1419-CSSA-27		Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 1419 authorizes the Wildlife Resource Commission to develop a bat eviction and exclusion curriculum to be used by other associations or organizations.*

BILL ANALYSIS: The proposed committee substitute adds a new subsection to G.S. 113-333 authorizing the Wildlife Resources Commission to develop a bat eviction and exclusion curriculum that may be taught by trade associations or wildlife conservation organizations for certification. The curriculum may incorporate the training that is provided as part of Wildlife Damage Control Agent certification in best management practices for removing and evicting bats from structures and in preventing bats from reentering structures.

EFFECTIVE DATE: This act is effective when it becomes law.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 1419 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CAPTURE, INJURY, KILLING, OR DISTURBANCE OF BATS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on WAYS AND MEANS/BROADBAND CONNECTIVITY.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H**D**

**HOUSE BILL 406*
PROPOSED COMMITTEE SUBSTITUTE H406-PCS70415-SF-20**

Short Title: W.Just.Acad./Wldlife Res. Firing/Arch Range.

(Public)

Sponsors:

Referred to:

March 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE
3 RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR
4 CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE
5 OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW
6 ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND
7 OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE
8 FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED
9 ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY
10 SHALL BE AN INDOOR FACILITY.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** The Department of Justice and the Wildlife Resources Commission
13 shall develop jointly a plan for the construction and operation of a firing range on land owned
14 by the Wildlife Resources Commission in Polk County. The plan shall identify a tract of land
15 comprising approximately 10 acres located in the Big Hungry section of the Green River game
16 land approved by the Wildlife Resources Commission for this purpose. The plan shall provide
17 for a firing range that can accommodate the needs of the criminal justice officers attending the
18 Larry T. Justus Western Justice Academy, federal, State, and local agencies, community
19 college law enforcement training, and the law enforcement officers of the Wildlife Resources
20 Commission, as well as provide a facility for hunter safety classes supervised and conducted by
21 the Wildlife Resources Commission. The plan shall further provide for a public firing and
22 archery range, open and accessible for public use, to be operated by the Wildlife Resources
23 Commission.

24 **SECTION 2.** Any firing range constructed by the Department of Justice on or
25 adjacent to the grounds of the Larry T. Justus Western Justice Academy shall be built as an
26 indoor facility.

27 **SECTION 3.** Funds appropriated to the Department of Justice for the 2007-2009
28 fiscal biennium for a firing range at the Western Justice Academy shall be used to plan and
29 construct the firing range developed in accordance with Section 1 of this act.

30 **SECTION 4.** This act is effective when it becomes law.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Thursday, May 7, 2009

Room 424 LOB

15 mins. after session

The House Committee on Wildlife Resources met 15 minutes after session in Room 424 of the Legislative Office Building on Thursday, May 7, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, Roger West, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, and Spear. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and visitors registration sheet (Attachments II and III).

Representative Arthur Williams, presiding, called the meeting to order at 3:31 p.m. and welcomed visitors. Chair Williams then recognized Sgt.-in-Arms Jerald Perry, Kenneth Burroughs and Judy Turner. No pages were present for the meeting.

First on the agenda was H406 Western Justus Academy/Wildlife Resources Firing Range, an act to direct the Department of Justice and the Wildlife Resources Commission to develop jointly a plan for construction of a firing range for use by criminal justice officers attending the Western Justice Academy, Law Enforcement Officers of the Wildlife Resources Commission and others and for a firing and archery range open and accessible for public use; and to provide that any firing range constructed on the grounds of the Larry T. Justus Western Justice Academy shall be an indoor facility, sponsored by Rep. Justus. (Attachment IV) Chair Williams reminded members that this bill was heard in committee yesterday during their regular meeting for discussion purposes only. Chair Williams then asked Rep. Justus to come forward for answer any questions from members.

Rep. Cleveland made motion for a favor report as to the committee substitute for HB406, unfavorable as to the original, and recommendation that the bill be re-referred to Appropriations. Motion carried. (Attachment V)

Next bill was H767 Craven Road Hunting, an act to prohibit the discharging of firearms from or across the right-of-way of a portion of State Road 1862, known as Joyner Drive, in Craven County, sponsored by Reps. Wainwright and Underhill. (Attachment VI) Rep. Wainwright was called to explain his bill.

Rep. Wainwright stated this bill was by resolution from the Craven County Commissioners to prohibit the discharging of firearms from or across the right-of-way of a portion of State Road 1862, known as Joyner Drive, in Craven County. The road is located in a rural area that has an open field with a lot of wildlife. Residents of Joyner Drive are frightened because people stop and take out a weapon to shoot a wild animal, such as a deer or bird at night. The road created a poor vision for the discharge any firearm from the right-of-way. The bill is for Joyner Road only, which is closest to the highway. It is not for all of Craven County. Chair Williams called for questions.

Rep. Cleveland asked if Rep. Wainwright said at people were shooting at night. Rep. Wainwright stated that they were shooting at any time but they do it when no one was around. The road created a poor vision to discharge any type of firearm.

Rep. Cleveland asked if Wildlife had any objections. Gordon Myers stated that the Wildlife Commission had no objections.

Rep. West made motion that the committee substitute for HB767 be given a favorable report. Motion carried. (Attachment VII)

The meeting was adjourned at 3:35 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

C

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Thursday, May 7, 2009

Room 424 LOB

15 mins. after Session

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

**H406 West. Just. Acad./Wildlife Res. Firing Range – Rep. Justus
H767 Craven Road Hunting – Reps. Wainwright and Underhill**

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 406*
Committee Substitute Favorable 5/6/09

Short Title: W.Just.Acad./Wildlife Res. Firing/Arch Range.

(Public)

Sponsors:

Referred to:

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Justice and the Wildlife Resources Commission shall develop jointly a plan for the construction and operation of a firing range on land owned by the Wildlife Resources Commission in Polk County. The plan shall identify a tract of land comprising approximately 10 acres located in the Big Hungry section of the Green River game land approved by the Wildlife Resources Commission for this purpose. The plan shall provide for a firing range that can accommodate the needs of the criminal justice officers attending the Larry T. Justus Western Justice Academy, federal, State, and local agencies, community college law enforcement training, and the law enforcement officers of the Wildlife Resources Commission, as well as provide a facility for hunter safety classes supervised and conducted by the Wildlife Resources Commission. The plan shall further provide for a public firing and archery range, open and accessible for public use, to be operated by the Wildlife Resources Commission.

SECTION 2. Any firing range constructed by the Department of Justice on or adjacent to the grounds of the Larry T. Justus Western Justice Academy shall be built as an indoor facility.

SECTION 3. Funds appropriated to the Department of Justice for the 2007-2009 fiscal biennium for a firing range at the Western Justice Academy shall be used to plan and construct the firing range developed in accordance with Section 1 of this act.

SECTION 4. This act is effective when it becomes law.



**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

HB 406 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 767
~~PROPOSED~~ COMMITTEE SUBSTITUTE H767-PCS70409-LL-31

Short Title: Craven Road Hunting.

(Local)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE
RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER
DRIVE, IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Unless a person owns or possesses a leasehold interest in the real property immediately adjacent to the portion of the road on which the person is located, it is unlawful for that person to discharge a firearm from, on, or across the right-of-way of State Secondary Road 1862, known as Joyner Drive, from Adams Creek Road to the end of the State-maintained portion of the road.

SECTION 2. Violation of this act is a Class 3 misdemeanor.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Craven County.

SECTION 5. This act becomes effective October 1, 2009.



**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

HB 767 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN COUNTY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, May 27, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met 12:00 noon in Room 415 of the Legislative Office Building on Wednesday, May 27, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, and Roger West, Vice-Chairs; and Representatives Cole, Lucas, Rhyne, Spear, and Stiller. Staff Member Barbara Riley was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and visitors registration sheets (Attachments II and III).

Representative Williams, presiding called the meeting to order at 12:02 p.m. and welcomed visitors. Rep. Williams then recognized the Sgt.-in-Arms: Dusty Rhodes and Jerald Perry; and pages Melinda Morgan from Polk County sponsored by Rep. Guice and Nan Cope from Wake County sponsored by Rep. Martin.

First on the agenda was Senate Bill 43 Require Boating Safety Education, an act to improve boating safety by requiring boating safety education prior to operating a vessel with a motor of ten horsepower or greater, as recommended by the Joint Select Committee on Mandatory Boating Safety Education, sponsored by Senator Jones. (Attachments IV and V, bill and analysis) Chair Williams called upon Senator Jones to explain his bill.

Sen. Jones explained that bill established a requirement for persons born after January 1, 1984 to take an approved boating safety course before operating a vessel in North Carolina. (Attachment VI, handout)

Rep. Cleveland makes motion for a favor report and recommendation that bill be referred to Judiciary III. Motion carried. (Attachment VII)

Second bill was SB1008 Antlerless Deer Tag Fee, an act to provide for a fee for bonus antlerless deer tags, sponsored by Senator Swindell. (Attachments VIII, IX, and X-bill, analysis and fiscal note) Chair Williams called upon Rep. Cleveland, who was running bill for Senator Swindell, to explain the bill.

Rep. Cleveland explained that the bill provided for a fee bonus antlerless deer tags. Presently, individuals are allowed to obtain antlerless deer tags with no fee. The bill would authorize a \$10 fee for obtaining the license and was requested by the Wildlife Commission. Chair Williams called for questions. \

Rep. Spear stated he saw that the bill applied to the resident and non-resident people and asked why charge the same thing for resident and non-resident. Gordon Myers responded that not many people out-of-state get the tags He also stated that last year the Commission issued 20,000 tags free of charge.

Rep. Lucas made motion for a favorable report and recommendation that the bill be re-referred to Finance. (Attachment XI) Motion carried.

Next bill was HB 1009 Hunting License Exemption for Special Events, an act to authorize the Wildlife Resources Commission to provide exemptions from hunting license requirements for special events, sponsored Senator Swindell. (Attachments X, XI and XII-bill, analysis and fiscal note) Chair Williams called upon Rep. Cleveland, who was again running the bill for Senator Swindell, to explain the bill.

Rep. Cleveland stated the law currently authorized the Wildlife Commission to adopt rules to exempt individuals who were participating in an organized fishing event from recreational fishing license requirements. This bill would authorize them to exempt hunting, fishing and trapping, special activity licenses, including big game hunting, and hunting or trapping on game lands managed by the Commission, inland hook-and-line fishing license, that does not include fishing in coastal waters, special trout license for fishing in designated mountain heritage trout waters and fishing with a special devise license, including resident noncommercial special devise license. Exempted individuals must comply with reporting requirements of the Commission, federal requirements for waterfowl hunting, and all other requirements of license holders. They must also comply with hunting safety requirements or be accompanied by a licensed adult who supervises the individual. The bill would encourage hunting and fishing by younger folks and get them involved in the sport.

Rep. Lucas made motion for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. (Attachment XIV)

Chair Williams turned the Committee Chair over to Rep. Fred Steen, Vice Chair. Chair Steen stated that the next bill on the agenda was Senate Bill 1010 Migratory Game Bird Season Authority, an act to authorize the Wildlife Resources Commission to adopt season structures for migratory game bird seasons and to allow the use of unplugged shotguns and electronic calls, sponsored by Senate Swindell. (Attachments XV and XVI) Chair Steen called upon Rep. Williams, who was running the bill for Senator Swindell, to explain the bill.

Rep. Williams stated that the bill authorized the Wildlife Resources Commission to adopt season structures for migratory game bird seasons and to allow the use of unplugged

shotguns and electronic calls. He requested Gordon Myers to elaborate. Gordon Myers was recognized and stated that the U.S. Fish and Wildlife Service established the frameworks for all seasons, bag limits and shooting hours for migratory game birds. They actually set forth a seasonal structure every year based on census data and the winter count. What the Commission does is to conform to their structure. The U.S. Fish and Wildlife Service have allowed the use of unplugged shotguns and electronic calls to increase the harvest of light geese and snow geese. The U.S. Fish and Wildlife Service would make that opportunity available in late summer and if NC Wildlife Commission went through the permit rule making process then it would be past the season before a ruling was received. Therefore, this bill would authorize the Wildlife Commission to implement it in a timely manner. Chair Steen asked for questions.

Rep. Cole asked who was the Executive Director referred to in bill that is granted authority or delegated authority. Rep. Williams stated that person was Gordon Myers. Rep. Cole stated that he was familiar with Central Flyway and all the bag limits and asked where the Commission would exercise this authority. Gordon Myers replied most likely it will be on the coast.

Rep. Cleveland made motion for favorable report and recommendation that the bill be re-referred to Judiciary III. (Attachment XVII)

Next bill on the agenda was Senate Bill 1011 Amend Trap Sizes, an act to amend the law governing the sizes of traps for taking wild animals, sponsored by Senator Swindell. (Attachments XVIII and XIX, bill and analysis) Chair Steen called upon Rep. Williams, who was running the bill for Senator Swindell, to explain the bill.

Rep. Williams stated that the bill amended the law governing the sizes of traps for taking wild animals. Chair Steen called for questions.

Rep. Spears stated that he had received an email letter from a constituent, who is a member of the North Carolina Trappers Association that stated he trapped beavers for wildlife officials under the controlled beaver eradication program. The constituent stated that was now on the market a trap that measured 12" by 16" which was used as part of the eradication program. Rep. Spears asked if under this bill that trap would be illegal. Gordon Myers confirmed the trap would not be legal. He further stated that the trap was not legal under current and would not be legal under this bill. This bill cleared up an unintended exclusion of smaller traps than 330 conibear traps. There was a proposed committee substitute that expanded the size passed in the Senate. It expanded the size to Conibear type traps that have an inside jaw spread or opening (height or width) greater than second and one-half inches and no larger than 26 inches in width and 10 inches in height. Rep. Williams stated beavers were a serious problem in state.

Rep. Cleveland asked if this individual was trapping for the Wildlife Commission and was using a trap that was illegal. Gordon Myers stated he did not the individual in question was using the trap but if that was correct, then it was an illegal trap. The individual had noted the trap was on the market and could be purchased for trapping:

Rep. Spears stated that in the email the individual used traps that were legal under the available current law, but stated there was a new trap on the market that measures 12" by 16". He suggested the bill be amended to cover this trap. allowing him and other trappers to harvesting beavers. Under the expansion of the law here we are saying it could be as wide as 26" so that would cover the 16" width. Senator Swindell stated that he was agreeable to the change.

Rep. Cleveland advised that he was having staff draw up an amendment.

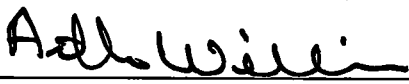
Gordon Myers stated that the Wildlife Commission had no objections. Chair Steen asked for questions from audience and recognized Joe McClees. Mr. McClees stated that the change would help those agents trapping beaver throughout the state and he believed it would decrease the amount of otter being caught. It would serve a dual purpose.

Chair Steen recognized Rep. Cleveland for an amendment. Rep. Cleveland stated that on page 1 of the bill it deletes the number 10 and substitutes 12 and on page 2, line 13 by deleting the number 10 and substituting the number 12.

Chair Steen had a motion to amend the bill and roll it into a proposed committee substitute from Rep. West. Motion carried. (Attachment XX)

Rep. West made motion for a favorable report as to House committee substitute, unfavorable as to Senate Committee Substitute Bill 1 and recommendation that bill be re-referred to the Committee on Judiciary III. (Attachment XXI)

The meeting was adjourned at 12:20 p.m.



Representative Arthur Williams, Chair



Pamela J. Evans, Committee Assistant

Representative Fred F. Steen, II, Chair

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday May 27, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

SB43	Require Boating Safety Education – Senator Jones
SB1008	Antlerless Deer Tag Fee – Senator Swindell
SB1009	Hunting License Exemption for Special Events – Senator Swindell
SB1010	Migratory Game Bird Season Authority – Senator Swindell
SB1011	Amend Trap Sizes – Senator Swindell

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

May 27, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leslie Arnold

SOG-Daily Bulletin

Pete Deschewes

Lake Gaston Assoc.

Joe McClees

McClees Consulting

S. Henri McClees

McClees Consulting

Dick Hamilton

NC Wildlife Federation

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

May 27, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chris Huebner

NC WILDLIFE RESOURCES

Kenneth Everhart

" " "

Sarah Clapp

NCWRC

Gordon Myers

NC WRC

Quinn Loughington

wrc

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 43*
Commerce Committee Substitute Adopted 5/4/09

Short Title: Require Boating Safety Education.

(Public)

Sponsors:

Referred to:

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY
3 EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN
4 HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT
5 COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

The General Assembly of North Carolina enacts:

7 SECTION 1. Article 1 of Chapter 75A of the General Statutes is amended by
8 adding a new section to read:

9 "§ 75A-16.2. Boating safety education required.

10 (a) No person shall operate a vessel with a motor of 10 horsepower or greater on the
11 public waters of this State unless the operator has met the requirements for boating safety
12 education in accordance with the age provisions established in subsection (c) of this section.

13 (b) A person shall be considered in compliance with the requirements of boating safety
14 education if the person does one of the following:

- 15 (1) Completes and passes the boating safety course instituted by the Wildlife
16 Resources Commission under G.S. 75A-16.1 or another boating safety
17 course that is approved by the National Association of State Boating Law
18 Administrators (NASBLA) and accepted by the Wildlife Resources
19 Commission;
20 (2) Passes a proctored equivalency examination that tests the knowledge of
21 information included in the curriculum of an approved course;
22 (3) Possesses a valid or expired license to operate a vessel issued to maritime
23 personnel by the United States Coast Guard;
24 (4) Possesses a State-approved nonrenewable temporary operator's certificate to
25 operate a vessel for 90 days that was issued with the certificate of number
26 for the vessel, if the boat was new or was sold with a transfer of ownership;
27 (5) Possesses a rental or lease agreement from a vessel rental or leasing business
28 that lists the person as the authorized operator of the vessel;
29 (6) Properly displays Commission-issued dealer registration numbers during the
30 demonstration of the vessel;
31 (7) Operates the vessel under onboard direct supervision of a person who is at
32 least 18 years of age and who meets the requirements of this section;
33 (8) Demonstrates that he or she is not a resident, is temporarily using the waters
34 of this State for a period not to exceed 90 days, and meets any applicable
35 boating safety education requirements of the state or nation of residency;



(9) Has assumed operation of the vessel due to the illness or physical impairment of the initial operator, and is returning the vessel to shore in order to provide assistance or care for the operator;

(10) Is registered as a commercial fisherman or a person who is under the onboard direct supervision of a commercial fisherman while operating the commercial fisherman's boat; or

(11) Provides proof that he or she was born prior to January 1, 1984.

Any person who operates a vessel with a motor of 10 horsepower or greater on the waters of this State shall, upon the request of a law enforcement officer, present to the officer a certification card or proof that the person has complied with the provisions of this section.

(c) Any person who violates a provision of this section or a rule adopted pursuant to this section is guilty of an infraction, as provided in G.S. 14-3.1, and the court shall assess a penalty of one hundred dollars (\$100.00) and no court costs for each violation. A person may not be convicted of violating this section if, when tried for the offense, the person produces in court a certification card or proof that the person has completed and passed a boating safety course in compliance with subdivision (b)(1) of this section.

(d) No unit of local government shall enact any ordinance or rule relating to boating safety education, and this law preempts all existing ordinances or rules."

SECTION 2. G.S. 75A-13.3(b) reads as rewritten:

"§ 75A-13.3. Personal watercraft.

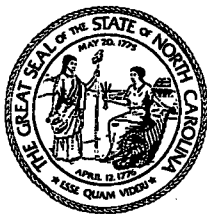
(b) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, and it is unlawful for the owner of a personal watercraft or a person who has temporary or permanent responsibility for a person under the age of 16 to knowingly allow that person to operate a personal watercraft. A person of at least 14 years of age but under 16 years of age may operate a personal watercraft on the waters of this State if:

(1) The person is accompanied by a person of at least 18 years of age who physically occupies the ~~watercraft~~; watercraft and who is in compliance with G.S. 75A-16.2; or

(2) The person (i) possesses on his or her person while operating the watercraft, identification showing proof of age and a boating safety certification card issued by the ~~Commission or~~ Commission, proof of other satisfactory completion of a boating safety education course approved by the National Association of State Boating Law Administrators (~~NASBLA~~); (NASBLA), or proof of other boating safety education in compliance with G.S. 75A-16.2; and (ii) produces that identification and ~~certification card~~ proof upon the request of an officer of the Commission or local law enforcement agency.

...."

SECTION 3. This act becomes effective May 1, 2010.



SENATE BILL 43: Require Boating Safety Education

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary III	Date:	May 26, 2009
Introduced by:	Sen. Jones	Prepared by:	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *Senate Bill 43 would establish a requirement for persons born after January 1, 1984 to take an approved boating safety course before operating a vessel in North Carolina. Senate Bill 43 as originally introduced was the companion bill to House Bill 39, which was considered by the House Wildlife Resources Committee in March of this year.*

[As introduced, this bill was identical to H39, as introduced by Reps. Wray, Wilkins, Williams, Faison, which is currently in House Judiciary III.]

CURRENT LAW: Current law does not require boating safety education for individuals prior to operating a boat in North Carolina, but it does require persons between the ages of 14 and 16 to take a boating safety education course prior to operating a jet ski, unless he or she is accompanied by a person age 18 or older who physically occupies the watercraft (G.S. 75A-13.3).

BILL ANALYSIS: *Section 1* of Senate Bill 43 would add a new section to the Boating Safety Act (Article 1 of Chapter 75 of the General Statutes). New section G.S. 75A-16.2 would require all persons born after January 1, 1984 operating a vessel with a 10 horsepower or greater motor to comply with the boating safety education requirements set forth in the section.

Compliance with the requirements of the section would be attained by:

- Completing and passing a boating safety course given by the Wildlife Resources Commission (WRC) or a course approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the WRC.
- Testing out by passing a proctored equivalency exam.
- Possessing a valid or expired Coast Guard license.
- Possessing a State-approved, nonrenewable temporary operator's certificate to operate a vessel for 90 days that was issued with the certificate of number to the purchaser of a boat.
- Possessing a rental/lease agreement from a boat rental business listing the person as the authorized operator of the boat.
- Properly displaying dealer registration numbers during demonstration of the boat.
- Operating the vessel under the direct supervision of a person 18 years of age or older who complies with the requirements of the statute.
- Showing that they are not a resident, are temporarily in the State boating for a period of 90 days or less, and that they meet the boating safety education requirements of their home state.
- Being a registered commercial fisherman or under the direct supervision of a registered commercial fisherman while operating the commercial fisherman's boat.
- Providing proof that they were born before January 1, 1984.

Senate Bill 43

Page 2

A person who has to assume the operation of a vessel due to illness or the physical impairment of the original operator would not have to comply with these requirements to return the boat to shore to provide assistance or care for the operator.

A person operating a vessel with a 10 horsepower or greater motor would be required to present a certification card or other proof of compliance with the section if requested by a law enforcement officer.

Penalties

Persons who violate the act would be guilty of an infraction and subject to a penalty of \$100 and no court costs for each violation. A person could not be convicted of a violation if the person produces in court a boating safety education certification card or proof that the person has taken and passed a course in compliance with the requirements of this section.

Preemption

Local governments would not be authorized to enact ordinances or rules relating to boating safety education, and this act would preempt all existing ordinances or rules.

Personal Watercraft

Section 2 of the bill would amend G.S. 75 A-13.3 to provide that the qualifying person accompanying a person between the ages of 14 and 16 on a jet ski must be in compliance with the boating safety education requirements. A person operating a jet ski who is between the ages of 14 and 16 would also be able to comply with boating safety education requirements in any of the ways authorized by this act.

EFFECTIVE DATE: The act would become effective May 1, 2010.

Barbara Riley, counsel to the House Wildlife Resources Committee, substantially contributed to this summary.

S43-SMRF-115(e2) v1

Mary Capps (Rep. Wray)

From: Chris M. Neal [cneal@pwia.org]
t: Wednesday, May 27, 2009 10:14 AM
to: Rep. Michael Wray
Subject: Comments on Senate Bill 43
Attachments: NCSB43Testimony.doc

Representative,

I wanted to take this brief occasion to submit nearly identical comments to those submitted relative to House Bill 39 for Senate Bill 43 which is scheduled to be heard by the Wildlife Resources Committee later today. While Senate Bill 43 does not provide for a quick phase-in of mandatory education which remains our preferred method, we as an industry still believe strongly in establishing a foundation of educated boaters for the future. Please feel free to distribute these comments to the committee.

Thanks,

Chris Neal
State Affairs Manager
Personal Watercraft Industry Association
444 N. Capitol Street, NW
Suite #645
Washington, DC 20001
Telephone: (202)-737-9773
E-Mail: cneal@pwia.org

05/27/2009



Personal Watercraft
Industry Association

Testimony on Senate Bill 43

House Committee on Wildlife Resources

The Personal Watercraft Industry Association (PWIA), an affiliate of the National Marine Manufacturers Association (NMMA) and representative of all four personal watercraft manufacturers, was founded in 1987 with the express purpose of advocating for the safe and responsible operation of personal watercraft at the local, state, and federal levels of government. In accomplishing this mission, our industry has long demonstrated support for efforts to create or enhance boating safety educational programs whenever the opportunities have arisen. PWIA's strong support for boater safety education for all personal watercraft operators, and more broadly all recreational boat operators stems from a record of positive, demonstrable results in states where a program has been implemented. Consequently, our association would like to ask for your support of Senate Bill 43 which provides for mandatory boating safety education.

This past year, the National Association of State Boating Law Administrators released a study that chronicled the effectiveness of boating safety education by demonstrating the direct correlation between the number of years an education program had been in existence, and the corresponding results relative to fatalities. The 44 states that presently have some form of boating education were divided into three categories: education programs in place 20 or more years, education programs in place 10 – 19 years, and education programs in place less than 10 years. As anticipated, average fatalities per 100,000 boat registrations declined sharply the longer a program had been in existence:

- 12.28 fatalities per 100,000 boat registrations (no boating safety education)
- 6.68 fatalities per 100,000 boat registrations (boating education less than 10 years)
- 5.52 fatalities per 100,000 boat registrations (boating education 10 – 19 years)
- 3.89 fatalities per 100,000 boat registrations (boating education 20 or more years)

Separately, it is important in this economic environment to also note the fact that implementation of mandatory boating safety education is a revenue neutral venture for the state. Given the fact that boating safety education courses may be developed and facilitated by the U.S. Power Squadrons and U.S. Coast Guard Auxiliary units locally, the state will have the ability to enhance public safety while utilizing existing resources. As a taxpayer, I can think of no better method to demonstrate value in the services being provided.

Please feel free to contact me at your convenience should you have any further inquiries regarding the positions or activities of PWIA. We appreciate your consideration of our input, and look forward to passage of this very important legislation. (over)

444 North Capitol Street, NW, Suite 645
Washington, D.C. 20001
202/37-9768 Fax 202/628-4716
pwia.org



Personal Watercraft
Industry Association

Thanks again for your support of Senate Bill 43.

Chris Neal
State Affairs Manager
Telephone: (202)-737-9773
E-Mail: cneal@pwia.org

444 North Capitol Street, NW, Suite 645
Washington, D.C. 20001
202.737.9768 Fax 202.628.4716
pwia.org

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

SB 43 A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY
REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH
A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1008

Short Title: Antlerless Deer Tag Fee. (Public)

Sponsors: Senator Swindell.

Referred to: Finance.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS.

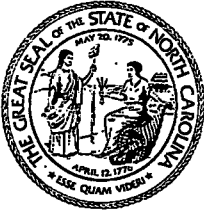
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-270.3(b) is amended by adding a new subdivision to read:

"(2a) Bonus Antlerless Deer License – \$10.00. This license shall be issued to an individual resident or nonresident of the State who holds a valid North Carolina big game hunting license or an individual resident who is exempt from the hunting license requirement in accordance with G.S. 113-276(c) and G.S. 113-276(d) and entitles the holder to take two antlerless deer during seasons and by methods authorized by the Wildlife Resources Commission. This license expires June 30."

SECTION 2. This act becomes effective July 1, 2009.





SENATE BILL 1008: Antlerless Deer Tag Fee

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Finance	Date:	May 26, 2009
Introduced by:	Sen. Swindell	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate bill 1008 would authorize a Bonus Antlerless Deer license.

CURRENT LAW: In addition to a hunting license, deer hunters must obtain a big game hunting license, and comply with reporting requirements when any species of big game is killed. Individuals hunting on their own land and individuals under 16 accompanied by a licensed adult are exempt from the hunting and fishing license requirements.

Individuals are limited to taking 6 deer per season. In the area in and east of Vance County, Franklin County, Wake County, Harnett County, Moore County south of NC 211 and west of US 1, and Richmond County of the 6 total deer, individuals may take no more than 4 antlered deer per season. In the area west of Vance County, Franklin County, Wake County, Harnett County, Moore County south of NC 211 and west of US 1, and Richmond County of the 6 total deer, individuals may take no more than 2 antlered deer per season.

Hunters may take more than the per season limit by obtaining a Bonus Antlerless Harvest Report Card, however, hunters do not need to obtain an additional license.

BILL ANALYSIS: Senate Bill 1008 would authorize a "Bonus Antlerless Deer License." This license may be issued to valid holders of big game hunting licenses and individuals exempt from the licensing requirements including landholders and individuals under 16 accompanied by a licensed adult. Individuals would be able to take two additional antlerless deer, increasing the total deer per season to the following:

- In the area in and east of Vance County, Franklin County, Wake County, Harnett County, Moore County south of NC 211 and west of US 1, and Richmond County of the **8 total deer**, individuals may take no more than 4 antlered deer per season.
- In the area west of Vance County, Franklin County, Wake County, Harnett County, Moore County south of NC 211 and west of US 1, and Richmond County of the **8 total deer**, individuals may take no more than 2 antlered deer per season.

The fee for obtaining this license will be \$10.00.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

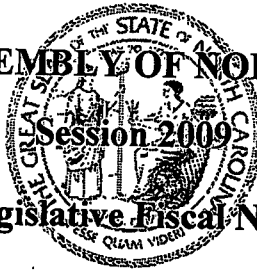
BACKGROUND: This bill will allow hunters to increase the take of antlerless deer. Implementing the license and associated fee will allow the Commission to recover the expenses of administering this program.

Approximately 289,399 license holders had valid big game privileges in fiscal year 2007-2008. This included big game privilege license, sportsman and comprehensive licenses, and lifetime license holders.

Heather Fennel, counsel to Senate Finance, substantially contributed to this summary.

S1008-SMRF-111(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: Senate Bill 1008 (First Edition)

SHORT TITLE: Antlerless Deer Tag Fee.

SPONSOR(S): Senator Swindell

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
REVENUES					
Wildlife Resources					
Commission	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
EXPENDITURES					
Wildlife Resources					
Commission	0	0	0	0	0
POSITIONS (cumulative):					
Wildlife Resources					
Commission	0	0	0	0	0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Wildlife Resources Commission					

EFFECTIVE DATE: July 1, 2009

BILL SUMMARY:

S.B. 1008 amends G.S. 113-270.3(b), creating a fee for bonus antlerless deer licenses. The antlerless deer license allows hunters to take two antlerless deer during hunting season by methods authorized by the Wildlife Resources Commission (WRC). In order to purchase this \$10 license, the licensee must already hold a North Carolina big game hunting license (unless exempt under other statutory provisions). Both residents and non-residents could purchase this license for \$10.

ASSUMPTIONS AND METHODOLOGY:

In FY 2007-08, WRC sold 289,399 short-term, annual, and lifetime hunting licenses that had valid big game hunting privileges. This number is comprised of the following:

- 38,525 stand alone annual big game privilege licenses;
- 4,536 stand alone short-term big game privilege licenses;
- 166,338 annual sportsman and comprehensive hunting licenses, which include big game privileges; and
- 80,000 lifetime holders who received their big game report card (which is required in order to hunt big game).

Big game includes wild turkey, boar, bear, and deer. More people hunt white-tailed deer than any other game species in North Carolina. Each year approximately 250,000 sportsmen/women take more than 2.9 million trips afield in pursuit of deer. A standard big game hunting license allows for the taking of six deer. In eastern North Carolina (i.e. in and east of Vance, Franklin, Wake, Harnett, and Moore counties), the six deer limit includes four antlered deer; in the piedmont and western regions, the limit includes only two antlered deer. Approximately 3.6% of big game hunters take their full allotment of deer each year.

When a big game animal is harvested it must be reported to a Wildlife Cooperator Agent or to WRC. In an effort to control the deer population, WRC instituted antlerless deer report cards (formerly "tag") in 2007; WRC currently provides this bonus tag free of charge. WRC was given the authority to set up a bonus tag system – or to extend deer hunting season – but the session law did not stipulate the fee to be charged for this tag.

In FY 2007-08, WRC provided 23,430 bonus antlerless harvest report cards. However, only 1,326 hunters reported harvests that exceeded the six deer season bag limit allowed by the standard big game license. WRC believes that this is an underestimate of the number of hunters that harvested deer with the bonus tag because many hunters may have saved traditional big game harvest report cards in order to retain the opportunity to harvest an antlered deer.

WRC estimates that the demand for bonus antlerless deer tags will be approximately 20,000 despite the \$10 fee. This should bring in additional revenue of \$200,000 annually. The \$10 fee for the privilege of taking two additional deer is not excessive relative to other states. The table below provides a comparison of the cost of North Carolina's bonus license to four other states.

State	Fee per Bonus Taking	
	Resident	Non-resident
<i>North Carolina</i>	\$5.00	\$5.00
Wisconsin	\$15.00	\$24.00
Maine	\$12.00	\$12.00
Maryland	\$10.00	\$25.00
Virginia	\$9.00	\$15.50

Since WRC already has a bonus antlerless tag in place, the costs associated with developing and distributing these licenses, as well as enforcing them, are already included in WRC's budget. There should be no increase in operating costs due to implementing a fee for this bonus tag.

SOURCES OF DATA:

Wildlife Resources Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Lanier McRee

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: May 4, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

SB 1008 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A FEE FOR
BONUS ANTLERLESS DEER TAGS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1009

Short Title: Hunting License Exemption for Special Events. (Public)

Sponsors: Senator Swindell.

Referred to: Finance.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE
EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL
EVENTS.

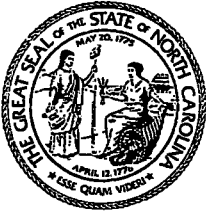
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-276(n) reads as rewritten:

"(n) The Wildlife Resources Commission may adopt rules to exempt individuals from the hunting and fishing license requirements of G.S. 113-270.1B, 113-270.3(b)(1), 113-270.3(b)(3), 113-270.3(b)(5), 113-271, 113-272, and 113-272.2(c)(1) who participate in organized hunting and fishing events held in inland or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission. A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to. Those exempted persons shall comply with the hunter safety requirements of G.S. 113-270.1A or shall be accompanied by a properly licensed adult who maintains a proximity to the license exempt individual which enables the adult to monitor the activities of, and communicate with, the individual at all times."

SECTION 2. This act becomes effective October 1, 2009.





SENATE BILL 1009: Hunting License Exemption for Special Events

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Finance	Date:	May 26, 2009
Introduced by:	Sen. Swindell	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 1009 is an agency bill that would authorize the Wildlife Resources Commission to exempt individuals from hunting and fishing license requirements when participating in special events.*

CURRENT LAW: Article 21 of Chapter 113 outlines the requirements for hunting and fishing licenses and permits in North Carolina which are issued by the Wildlife Resources Commission.

G.S. 113-276(n) authorizes the Wildlife Resources Commission to adopt rules to exempt individuals who are participating in an organized fishing event from recreational fishing license requirements.

BILL ANALYSIS: Senate Bill 1009 expands the Commission's authorization in G.S. 113-276(n) and provides for the Commission to adopt rules to exempt individuals from certain hunting and fishing license requirements when participating in organized events. The rules may exempt individuals from the following requirements:

G.S. 113-270.1B – License for hunting, fishing, or trapping.

G.S. 113-270.3 – Special activity license, including big game hunting (b)(1), and hunting or trapping on game lands managed by the Commission (b)(3).

G.S. 113-271 – Inland hook-and-line fishing license, does not include fishing in coastal waters

G.S. 113-272 – Special trout license for fishing in designated mountain heritage trout waters.

G.S. 113-272.2 – Fishing with a special devise license, including (c)(1) resident noncommercial special devise license.

Exempted individuals must comply with reporting requirements of the Commission, federal requirements for waterfowl hunting, and all other requirements of license holders. Exempt individuals must also comply with hunting safety requirements or be accompanied by a licensed adult who supervises the individual.

EFFECTIVE DATE: This act is effective October 1, 2009.

BACKGROUND: The Commission has requested the bill to provide opportunities for hunters and to meet Commission goals in hunter recruitment and retention. The following are examples of events the Commission may adopt rules to allow exempt individuals to participate in:

- Youth mentor days.
- Special events supported by the Commission but organized by nonprofits.
- Special hunts endorsed by the Commission for which specific details regarding individuals participating and unknown until the event commences.
- Apprentice hunter events.

Heather Fennel, counsel to Senate Finance, substantially contributed to this summary.

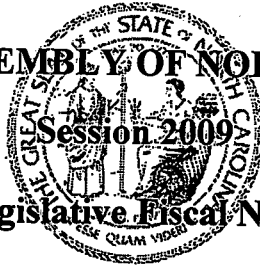
S1009-SMRF-112(e1) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: Senate Bill 1009 (First Edition)

SHORT TITLE: Hunting License Exemption for Special Events.

SPONSOR(S): Senator Swindell

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

Wildlife Resources

Commission

**** See Assumptions and Methodology ****

EXPENDITURES

Wildlife Resources

Commission

\$0

\$0

\$0

\$0

\$0

POSITIONS (cumulative):

Wildlife Resources

Commission

0

0

0

0

0

PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:

Wildlife Resources Commission

EFFECTIVE DATE: October 1, 2009

BILL SUMMARY:

S.B. 1009 amends GS 113-276(n) to expand the authority of the Wildlife Resources Commission (WRC) to grant exemptions to licensing requirements. Under current law, WRC is authorized to grant exemptions from fishing license requirements for certain fishing events. S.B. 1009 adds language that authorizes WRC to grant exemptions to a variety of hunting and fishing license requirements for organized events when the event is consistent with the conservation objectives of WRC. The bill requires that exempt individuals comply with any requirements applicable to a license holder, including reporting requirements and purchasing waterfowl stamps if appropriate, and requires compliance with statutory safety requirements or be accompanied by a licensed adult

Source: Bill Digest S.B. 1009 (03/26/2009).

ASSUMPTIONS AND METHODOLOGY:

While S.B. 1009 will have a fiscal impact – it will exempt participants in select special events from the requirement of purchasing hunting and fishing licenses – the fiscal impact of S.B. 1009 cannot be accurately estimated. The intention of many special events is to introduce individuals to the sports of hunting and fishing. Such introductions should, in theory, lead to additional license purchases as new hunters are recruited, making the one time, short-term exemption worthwhile over the longer term. Consequently, the fiscal impact of S.B. 1009 is unknown.

The concept of the exemption is based on the fact that requiring a hunting or fishing license for short term events (4-8 hours) that are designed to introduce individuals to hunting or fishing actually discourages participation in the event. Waiving the license requirements for the duration of the event should encourage participation. This, in turn, should attract participants and, hopefully, recruitment them to become life-long hunting and fishing license buyers.

Fishing events received an exemption in 2005 (S.L. 2005-455). WRC began issuing fishing license waivers in 2007; they issued 17 waivers in 2007 and 32 waivers in 2008. To date, WRC has issued 20 waivers for 2009. However, while the number of event waivers is known, there is not an accurate estimate of the number of short-term licenses purchases forgone due to the exemption or the number of fishing licenses purchased as a result of the exempted event.

Sample fishing events that have received exemptions include:

- Warriors on the Water – an event that recognizes military veterans of Afghanistan and Iraq;
- Wounded Warriors – similar to above but specifically designed for wounded veterans;
- Casting for Recovery – an event for recovering breast cancer patients;
- Youth Fishing Events;
- Boys and Girls Club Events;
- Big Brothers Big Sisters Events; and
- Scouting program events.

In many of these events, participating individuals are being introduced to fishing for the first time. The same theory would apply to hunting events. Sample hunting events that could be eligible for the exemption proposed in S.B. 1009 include:

- Youth mentor days in which unlicensed parents, who are not currently hunters, accompany a youth hunting with another adult who is licensed (the unlicensed parent would be exempted in this example).
- Special hunts that are supported by WRC but organized primarily by non-governmental organizations (Ducks Unlimited, Outdoor Dream Foundation, etc.) in which disabled or terminally-ill persons who are over 16 years of age participate.
- Special hunts by groups endorsed by WRC (for example, the Wounded Warriors).

In addition to lowering the cost to participate in events to learn about hunting and fishing, S.B. 1009 makes WRC licensure policies consistent regarding how WRC manages similar fishing and hunting opportunities. According to WRC, S.B. 1009 will provide opportunities for hunters in unique situations, expand WRC's ability to meet the needs of all citizens in North Carolina, and WRC recruit and retain hunters.

Consequently, the fiscal impact of this bill cannot be accurately estimated. The exemptions are designed to attract new hunters and angler by introducing them to these sports. The one time, short-term licenses exemption will result in forgone license revenue for WRC. However, WRC expects that forgone revenue to be exceeded by revenue from new license purchases made by new hunters and fishermen recruited through these special events.

SOURCES OF DATA:

Wildlife Resources Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Lanier McRee

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: May 4, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

SB 1009

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING
LICENSE REQUIREMENTS FOR SPECIAL EVENTS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

_____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1010

Short Title: Migratory Game Bird Season Authority.

(Public)

Sponsors: Senator Swindell.

Referred to: Agriculture/Environment/Natural Resources.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT
SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO
ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.113-291.2 reads as rewritten:

**"§ 113-291.2. Seasons and bag limits on wild animals and birds; including animals and
birds taken in bag; possession and transportation of wildlife after taking.**

(a) In accordance with the supply of wildlife and other factors it determines to be of public importance, the Wildlife Resources Commission may fix seasons and bag limits upon the wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources. The authority to fix seasons includes the closing of seasons completely when necessary and fixing the hours of hunting. The authority to fix bag limits includes the setting of season and possession limits. Different seasons and bag limits may be set in differing areas; early or extended seasons and different or unlimited bag limits may be authorized on controlled shooting preserves, game lands, and public hunting grounds; and special or extended seasons may be fixed for those engaging in falconry, using primitive weapons, or taking wildlife under other special conditions.

Unless modified by rules of the Wildlife Resources Commission, the seasons, shooting hours, bag limits, and possession limits fixed by the United States Department of Interior or any successor agency for migratory game birds in North Carolina must be followed, and a violation of the applicable federal rules is hereby made unlawful. When the applicable federal rules require that the State limit participation in seasons and/or bag limits for migratory game birds, the Wildlife Resources Commission may schedule managed hunts for migratory game birds. Participants in such hunts shall be selected at random by computer, and each applicant 16 years of age or older shall have the required general hunting license and the waterfowl hunting license prior to the drawing for the managed hunt. Each applicant under 16 years of age shall either have the required general hunting license and the waterfowl hunting license or shall apply as a member of a party that includes a properly-licensed adult. All applications for managed waterfowl hunts shall be screened prior to the drawing for compliance with these requirements. A nonrefundable fee of ten dollars (\$10.00) shall be required of each applicant to defray the cost of processing the applications.

(a1) The Commission is authorized to issue proclamations to set seasons, shooting hours, bag limits, and possession limits that are congruent with the season framework established by United States Department of Interior or any successor agency. The Commission may delegate this authority to the Executive Director. Each proclamation shall state the hour and date upon which it becomes effective and shall be issued at least 48 hours prior to the



1 effective date and time. A permanent file of the text of all proclamations shall be maintained in
2 the office of the Executive Director. Certified copies of proclamations are entitled to judicial
3 notice in any civil or criminal proceeding.

4 The Executive Director shall make reasonable effort to give notice of the terms of any
5 proclamation to persons who may be affected by it. This effort shall include press releases to
6 communications media, posting of notices at boating access areas and other places where
7 persons affected may gather, personal communication by agents of the Wildlife Resources
8 Commission, and other measures designed to reach persons who may be affected.
9 Proclamations under this subsection shall remain in force until rescinded following the same
10 procedure established for enactment.

11 ~~(a1)~~(a2) When the Executive Director of the Wildlife Resources Commission receives a
12 petition from the State Health Director declaring a rabies emergency for a particular county or
13 district pursuant to G.S. 130A-201, the Executive Director of the Wildlife Resources
14 Commission shall develop a plan to reduce the threat of rabies exposure to humans and
15 domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. The plan shall
16 be based upon the best veterinary and wildlife management information and techniques
17 available. The plan may involve a suspension or liberalization of any regulatory restriction on
18 the taking of foxes, raccoons, skunks, or bobcats, except that the use of poisons, other than
19 those used with dart guns, shall not be permitted under any circumstance. If the plan involves a
20 suspension or liberalization of any regulatory restriction on the taking of foxes, raccoons,
21 skunks, or bobcats, the Executive Director of the Wildlife Resources Commission shall prepare
22 and adopt temporary rules setting out the suspension or liberalization pursuant to
23 G.S. 150B-21.1(a)(1). The Executive Director shall publicize the plan and the temporary rules
24 in the major news outlets that serve the county or district to inform the public of the actions
25 being taken and the reasons for them. Upon notification by the State Health Director that the
26 rabies emergency no longer exists, the Executive Director of the Wildlife Resources
27 Commission shall cancel the plan and repeal any rules adopted to implement the plan. The
28 Executive Director of the Wildlife Resources Commission shall publicize the cancellation of
29 the plan and the repeal of any rules in the major news outlets that serve the county or district.

30 (b) Any individual hunter or trapper who in taking a wild animal or bird has wounded
31 or otherwise disabled it must make a reasonable effort to capture and kill the animal or bird. All
32 animals and birds taken that can be retrieved must be retrieved and counted with respect to any
33 applicable bag limits governing the individual taking the animal or bird.

34 (c) An individual who has lawfully taken game within applicable bag, possession, and
35 season limits may, except as limited by rules adopted pursuant to subsection (c1) of this
36 section, after the game is dead, possess and personally transport it for his own use by virtue of
37 his hunting license, and without any additional permit, subject to tagging and reporting
38 requirements that may apply to the fox and big game, as follows:

- 39 (1) In an area in which the season is open for the species, the game may be
40 possessed and transported without restriction.
- 41 (2) The individual may possess and transport the game lawfully taken on a trip:
42 a. To his residence;
43 b. To a preservation or processing facility that keeps adequate records
44 as prescribed in G.S. 113-291.3(b)(3) or a licensed taxidermist;
45 c. From a place authorized in subparagraph b to his residence.
- 46 (3) The individual may possess the game indefinitely at his residence, and may
47 there accumulate lawfully-acquired game up to the greater of:
48 a. The applicable possession limit for each species; or
49 b. One half of the applicable season limit for each species.

50 The above subdivisions apply to an individual hunter under 16 years of age covered by the
51 license issued to his parent or guardian, if he is using that license, or by the license of an adult

1 accompanying him. An individual who has lawfully taken game as a landholder without a
2 license may possess and transport the dead game, taken within applicable bag, possession, and
3 season limits, to his residence. He may indefinitely retain possession of such game, within
4 aggregate possession limits for the species in question, in his residence.

5 (c1) In the event that the Executive Director finds that game carcasses or parts of game
6 carcasses are known or suspected to carry an infectious or contagious disease that poses an
7 imminent threat to the health or habitat of wildlife species, the Wildlife Resources Commission
8 shall adopt rules to regulate the importation, transportation, or possession of those carcasses or
9 parts of carcasses that, according to wildlife disease experts, may transmit such a disease.

10 (d) Except in the situations specifically provided for above, the Wildlife Resources
11 Commission may by rule impose reporting, permit, and tagging requirements that may be
12 necessary upon persons:

- 13 (1) Possessing dead wildlife taken in open season after the close of that season.
- 14 (2) Transporting dead wildlife from an area having an open season to an area
15 with a closed season.
- 16 (3) Transporting dead wildlife lawfully taken in another state into this State.
- 17 (4) Possessing dead wildlife after such transportation.

18 The Wildlife Resources Commission in its discretion may substitute written declarations to be
19 filed with agents of the Commission for permit and tagging requirements.

20 (e) Upon application of any landholder or agent of a landholder accompanied by a fee
21 of fifty dollars (\$50.00), the Executive Director may issue to such landholder or agent a special
22 license and a number of special antlerless or antlered deer tags that in the judgment of the
23 Executive Director is sufficient to accommodate the landholder or the landholder's agent's deer
24 population management objectives or correct any deer population imbalance that may occur on
25 the property. Subject to applicable hunting license requirements, the special deer tags may be
26 used by any person or persons selected by the landholder or his agent as authority to take
27 antlerless deer, including male deer with "buttons" or spikes not readily visible, or antlered deer
28 on the tract of land concerned during any established deer hunting season. The Executive
29 Director or designee may stipulate on the license that special deer tags for antlered deer, if
30 applicable, may only be valid for deer that meet certain minimum harvest criteria. The
31 Executive Director or designee may also define on the license valid hunt dates that fall outside
32 of the general deer hunting season. Harvested antlerless or antlered deer for which special tags
33 are issued shall be affixed immediately with a special deer tag and shall be reported
34 immediately in the wildlife cooperator tagging book supplied with the special deer tags. This
35 tagging book and any unused tags shall be returned to the Commission within 15 days of the
36 close of the season. The Wildlife Resources Commission may offer an alternate reporting
37 system when the Commission determines that such an alternate system is appropriate.
38 Antlerless or antlered deer taken under this program and tagged with the special tags provided
39 shall not count as part of the daily bag, possession, and season limits of the person taking the
40 deer."

41 **SECTION 2. G.S. 113-291.1(f) reads as rewritten:**

42 "(f) To keep North Carolina provisions respecting migratory game birds in substantial
43 conformity with applicable federal law and rules, the Wildlife Resources Commission may by
44 rule expand or modify provisions of this Article if necessary to achieve such ~~conformity,~~
45 ~~including allowing the use of electronic calls.~~ conformity. In particular, the Commission may
46 prohibit the use of rifles, ~~unplugged shotguns,~~ live decoys, and sinkboxes in the taking of
47 migratory game birds; vary shooting hours; adopt specific distances, not less than 300 yards,
48 hunters must maintain from areas that have been baited, and fix the number of days afterwards
49 during which it is still unlawful to take migratory game birds in the area; and adopt similar
50 provisions with regard to the use of live decoys. In the absence of rules of the Wildlife
51 Resources Commission to the contrary, the rules of the United States Department of the Interior

1 prohibiting the use of rifles, unplugged shotguns, toxic shot and sinkboxes in taking migratory
2 game birds in North Carolina shall apply, and any violation of such federal rules is unlawful."

3 **SECTION 3.** G.S. 113-291.1 is amended by adding a new subsection to read:

4 "(f1) The Commission is authorized to issue proclamations to allow the use of electronic
5 calls or unplugged shotguns to achieve substantial conformity with applicable federal law and
6 rules established by United States Department of Interior or any successor agency. The
7 Commission may delegate this authority to the Executive Director. Each proclamation shall
8 state the hour and date upon which it becomes effective, and shall be issued at least 48 hours
9 prior to the effective date and time. A permanent file of the text of all proclamations shall be
10 maintained in the office of the Executive Director. Certified copies of proclamations are
11 entitled to judicial notice in any civil or criminal proceeding.

12 The Executive Director shall make reasonable effort to give notice of the terms of any
13 proclamation to persons who may be affected by it. This effort shall include press releases to
14 communications media, posting of notices at boating access areas and other places where
15 persons affected may gather, personal communication by agents of the Wildlife Resources
16 Commission, and other measures designed to reach persons who may be affected.
17 Proclamations under this subsection shall remain in force until rescinded following the same
18 procedure established for enactment."

19 **SECTION 4.** This act becomes effective July 1, 2009.



SENATE BILL 1010: Migratory Game Bird Season Authority

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary III	Date:	May 26, 2009
Introduced by:	Sen. Swindell	Prepared by:	Barbara Riley
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 1010 allows the Wildlife Resources Commission (WRC) to issue proclamations to set seasons, bag limits, and possession limits that are congruent with the seasons established by the US Department of Interior. The WRC is also authorized to issue proclamations allowing the use of electronic calls and unplugged shotguns to achieve substantial conformity with federal laws and rules.*

CURRENT LAW: G.S. 113-291.2 authorizes the Wildlife Resources Commission to fix seasons and bag limits on wild animals and wild birds. Unless modified by the WRC, shooting hours, bag limits, and possession limits fixed by the US Department of Interior must be followed.

G.S. 113-291.1 regulates the manner and taking of wild animals and wild birds. Subsection (f) of that statute provides that the WRC may adopt rules allowing the use of electronic calls in order to keep North Carolina rules on the taking of migratory game birds in substantial conformity with federal regulations. In particular, the WRC may prohibit the use of rifles, unplugged shotguns, live decoys, and other activities. In the absence of a WRC rule to the contrary, the federal regulations control.

BILL ANALYSIS: Section 1 of the bill amends G.S. 113-291.2 to allow the WRC to issue proclamations to set seasons, shooting hours, bag limits, and possession limits congruent with those set by the US Department of Interior. This authority may be delegated to the Executive Director of the WRC. Proclamations shall state the hour and date they become effective and shall be issued at least 48 hours in advance. The Executive Director must make reasonable efforts to give notice of the terms of any proclamation to those affected by it, including press releases, posting of notices where persons affected may gather (such as boating ramps) and other measures. Proclamations remain in force until rescinded using the same method established for enactment.

Section 2 of the bill amends G.S. 113-291.1 to allow the WRC to make proclamations to allow the use of electronic calls or unplugged shotguns in order to achieve substantial conformity with applicable federal law and rules. Proclamations shall state the hour and date they become effective and shall be issued at least 48 hours in advance. The Executive Director must make reasonable efforts to give notice of the terms of any proclamation to those affected by it, including press releases, posting of notices where persons affected may gather (such as boating ramps) and other measures. Proclamations remain in force until rescinded using the same method established for enactment.

EFFECTIVE DATE: The act becomes effective July 1, 2009.

S1010-SMRF-113(e1) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

SB 1010 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR
MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED
SHOTGUNS AND ELECTRONIC CALLS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

SENATE BILL 1011

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/5/09

Short Title: Amend Trap Sizes.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING
WILD ANIMALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 reads as rewritten:

"§ 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 ~~conibear~~ conibear 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 conibear type or size~~ Conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 26 inches in width and 10 inches in height 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:



* S 1 0 1 1 - V - 2 *

1 (1) Remove or disturb any trap; or

2 (2) Remove any fur-bearing animal from the trap.

3 This subsection does not apply to wildlife protectors or other law-enforcement officers acting
4 in the performance of their duties.

5 (f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county or
6 State public health officials or their agents to control the spread of disease when the use of
7 these traps has been declared necessary by the State Health Director.

8 (g) The Wildlife Resources Commission must include the trapping requirements of this
9 section in its annual digest of hunting and trapping rules provided to each person upon purchase
10 of a license."

11 **SECTION 2.** G.S. 113-291.9(c) reads as rewritten:

12 "(c) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to set traps ~~number~~
13 ~~330 of the conibear~~ conibear type ~~or size, that have an inside jaw spread or opening (width or~~
14 height) no larger than 26 inches in width and 10 inches in height if at least one-half of the trap
15 is covered by water, when trapping beaver during the season for trapping beaver as established
16 by the Wildlife Resources Commission."

17 **SECTION 3.** This act becomes effective October 1, 2009.



SENATE BILL 1011: Amend Trap Sizes

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Judiciary III	Date:	May 26, 2009
Introduced by:	Sen. Swindell	Prepared by:	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *Senate Bill 1011 amends the laws governing the size of traps for taking wild animals.*

CURRENT LAW: G.S. 113-291.6, regulation of trapping, provides that an animal may not be taken by trapping with any steel-jaw, leg hold, or conibear trap unless the trap is:

- Has a jaw spread of not more than seven and one-half inches.
- 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.
- Is smooth edged and without teeth or spikes.
- Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.

A steel-jaw or leg hold 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.

The statute further provides that conibear 330 traps may only be set in the water near areas where beaver and otter may be lawfully trapped.

G.S. 113-291.9 governs the taking of beaver and provides for the use of conibear 330 traps.

BILL ANALYSIS: Senate Bill 1011 amends the provisions of G.S. 113-291.6 and G.S. 113-291.9 dealing with conibear 330 traps. The bill deletes reference to the trap number and provides for the use of conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 26 inches in width and 10 inches in height.

EFFECTIVE DATE: The act becomes effective October 1, 2009.

SI011-SMRF-114(e2) v1

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

Attachment XX
Attachment XX

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 1011

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

(Rep.) Cleveland
(Sen.) _____

- 1 moves to amend the bill on page 1, line 28
- 2 () WHICH CHANGES THE TITLE
- 3 by deleting the number "10" and
- 4 substituting the number "12"; and
- 5
- 6 on page 2, line 13 by deleting the
- 7 number "10" and subst. the number "12".
- 8
- 9
- 10
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- 12
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- 17
- 18
- 19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

SB 1011

A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW
GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill 1 and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, June 3, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met 12:00 noon in Room 415 of the Legislative Office Building on Wednesday, June 3, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Spear, and Stiller. Staff Members Barbara Riley and Susan Sitze were also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and visitors registration sheets (Attachments II and III).

Chair Williams called the meeting to order at 12:00 p.m. and welcomed the visitors. Rep. Williams recognized Sgt.-in-Arms Dusty Rhodes, Tom Wilder, Jerald Perry and Young Bae. Our Pages today are Carson Hurt from Wake County sponsored by Rep. Stam, Evan Haire from Lyme, New Hampshire sponsored by Rep. Haire, and Zack Mountcastle from Dekalb County in Atlanta, Georgia sponsored by Rep. Bordson.

First on the agenda was HB1631 Coyote Nuisance Removal, an act to direct the Wildlife Resources Commission to develop and implement a coyote nuisance removal program and to increase certain hunting license fees, sponsored by Rep. Faison. (Attachment IV)

Rep. Wray made motion to bring the proposed committee substitute for HB1631 Coyote Nuisance Removal LRC, an act to authorize the Legislative Research Commission to study the development of a coyote nuisance removal program in this program, before the committee. Motion carried. (Attachments V and VI, PCS and analysis) Chair Williams then called upon Rep. Faison to explain his bill.

Rep. Faison explained coyotes were becoming bold enough to start taking calves. He told of a farmer losing two calves recently costing between \$350 and \$400 to coyotes. The farmer knew it was the coyotes because he had put a motion sensitive camera that took pictures of the coyotes in the middle of the afternoon around 2 p.m. out in his pasture looking for something to eat. Rep. Faison stated a solution was needed to this problem. He had met with Director of the Wildlife Commission and discussed the problem. It was not a simple problem. Gordon Myers gave him a lot of great insight into what the Commission was looking into and the scope of the problem, how they dealt with

it, some of the problems encountered by other states. It became very clear that rather than trying to craft a program that was an issue folks needed to think about, reflect on, get advice the of the Wildlife Commission, and Agriculture Department, and then come up with a program that both addresses the problem and deals with the realities of the issues. For that reason, the proposed committee substitute would be a study bill.

Chair Williams called upon the members for questions. Rep. Spear stated that Rep. Faison was correct in that this is an increasing problem and glad to see this study go forward.

Rep. Spear made motion that the proposed committee substitute be given a favorable report, which changes the title, unfavorable to the original and recommendation that the bill be re-referred to Finance. Motion carried. (Attachment VII)

The next bill was Senate Bill 307, Regulate Ownership & Use of Certain Reptiles, an act to amend the law regulating the use of certain reptiles, sponsored by Rep. Ed Jones. (Attachments VIII, IX, and X) bill, analysis and fiscal note) Rep. Jones was called to explain his bill.

Rep. Jones explained that bill dealt with housing and transporting poisonous snakes. When you are transporting poisonous snakes that are venomous and you have a wreck and they escape, then we are looking at having a problem of trying to recapture those things. We are also looking at when rescue folks come to your home, such as police officers, they need to know what is in the house and if they are in proper cages.

Chair Williams recognized Andrew Wyatt, President of the United States Association of Reptile Keepers, which is a North Carolina based non-profit organization that advocates for education and science in regards to reptiles. Mr. Wyatt advised that the Association of Reptile Keepers were in support of the bill.

Chair Williams asked for questions from committee. Rep. Cleveland asked for clarification of difference between the wording reasonable grounds and probable cause and why was it changed in bill. Rep. Jones explained that probable cause would be that it be suspicion of and that you have done something to warrant action. Susan Sitze stated that probable cause was a higher standard than reasonable grounds. Reasonable grounds would be less information or understanding before law enforcement could conduct an investigation. Probable cause was the general criminal standard for most search and seizures. It was the higher criminal standard.

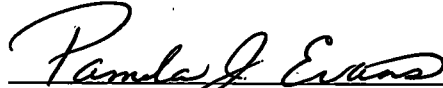
Rep. Jones stated an amendment was needed for technical clarification. The amendment read, "moves to amend the bill on page 1, line 32 deleted the word "reticulates" and substitutes the word "reticulates" and on page 3, line 36, by deleting the comma." Rep. Love made motion to adopt the amendment and offered to sponsor the amendment (Attachment XI) Motion carried.

C
Rep. Love then made motion for a favorable report, as amended, for Senate Bill 307 and to recommendation that the bill be re-referred to Environment and Natural Resources. Motion carried. (Attachment XII)

The meeting was adjourned at 12:09 p.m.



Representative Arthur Williams, Chair



Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday June 3, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

HB1631	Coyote Nuisance Removal Program – Representative Faison
SB307	Regulate Ownership & Use of Certain Reptiles – Senator Jones

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Wednesday, June 3, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dan Conrad	NCCN
Kathia English	NCCN
Amanda Amigter	HSUS
Elizabeth Biser	DENR
Alexandra Embury	DENR
Wiley Coyote	Roadrunner
Doug LaRue	NZCTA
Alicia [Signature]	MWC
Gordon Myers	NCWRC
Sarah Clapp	NCWRC
Lestie Arnold	SOG - Daily Bulletin

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Name of Committee

Wednesday, June 3, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

ANDREW WYATT

VS Assoc. of Reptile Keepers

Kelly McCall

Wagon

Alan Brown

UNION

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H**1**

HOUSE BILL 1631

Short Title: Coyote Nuisance Removal Program.

(Public)

Sponsors: Representatives Faison; and Wray.

Referred to: Wildlife Resources, if favorable, Finance.

May 7, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO DEVELOP AND
IMPLEMENT A COYOTE NUISANCE REMOVAL PROGRAM AND TO INCREASE
CERTAIN HUNTING LICENSE FEES.

The General Assembly of North Carolina enacts:

SECTION 1. The Wildlife Resources Commission shall develop and implement a
coyote nuisance removal program aimed at diminishing the threat presented by the existence of
a coyote population in this State. The Commission shall consider all appropriate and feasible
options available for effectively reducing the coyote population as quickly as possible.

SECTION 2. G.S. 113-270.2(c) reads as rewritten:

"(c) The hunting licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident State Hunting License – ~~\$15.00.~~ \$20.00. This license shall be
issued only to an individual resident of the State.
- (2) Lifetime Resident Comprehensive Hunting License – \$250.00. This license
shall be issued only to an individual resident of the State and is valid for the
lifetime of the holder.
- (3) Resident County Hunting License – ~~\$10.00.~~ \$15.00. This license shall be
issued only to an individual resident of the State and is valid only in the
county of residence of the license holder.
- (4) Controlled Hunting Preserve Hunting License – \$15.00. This license shall be
issued to an individual resident or nonresident to take only foxes and
domestically raised game birds, other than wild turkey, only within a
controlled hunting preserve licensed and operated in accordance with
G.S. 113-273(g) and implementing rules of the Wildlife Resources
Commission.
- (5) Resident Annual Comprehensive Hunting License – ~~\$30.00.~~ \$35.00. This
license shall be issued only to an individual resident of the State.
- (6) Nonresident State Hunting License. This license shall be issued only to a
nonresident. The nonresident State hunting licenses issued by the Wildlife
Resources Commission are:
 - a. Season License – \$60.00.
 - b. Six-Day License – \$40.00. This license is valid for the six
consecutive dates indicated on the license."

SECTION 3. This act becomes effective July 1, 2009.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1631
PROPOSED COMMITTEE SUBSTITUTE H1631-CSLL-41 [v.2]

5/25/2009 9:57:32 PM

Short Title: Coyote Nuisance Removal LRC.

(Public)

Sponsors:

Referred to:

May 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY
THE DEVELOPMENT OF A COYOTE NUISANCE REMOVAL PROGRAM IN THIS
STATE.

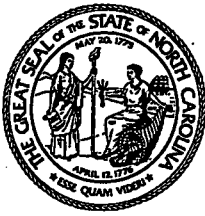
The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the development of a coyote nuisance removal program aimed at diminishing the threat presented by the existence of a coyote population in this State. The Commission shall consider all appropriate and feasible options available for effectively reducing the coyote population in this State as quickly as possible.

SECTION 2. The Legislative Research Commission may make an interim report to the 2009 General Assembly, Regular Session 2010, and shall make its final report to the 2011 General Assembly.

SECTION 3. The Legislative Services Officer shall allocate funds appropriated to the General Assembly for the expenditures of the Legislative Research Commission in conducting this study.

SECTION 4. This act becomes effective July 1, 2009.



HOUSE BILL 1631: Coyote Nuisance Removal Program

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Finance	Date:	June 3, 2009
Introduced by:	Rep. Faison	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H1631-CSLL-41		Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 1631 authorizes the Legislative Research Commission to study the development of a coyote nuisance removal program.*

BILL ANALYSIS: The PCS for House Bill 1631 authorizes the Legislative Research Commission to study the development of a coyote nuisance removal program aimed at diminishing the threat presented by the existence of a coyote population in this State. The Commission shall consider all appropriate and feasible options available for effectively reducing the coyote population in this State as quickly as possible.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

H1631-SMSA-93(CSLL-41) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 1631 A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO DEVELOP AND IMPLEMENT A COYOTE NUISANCE REMOVAL PROGRAM AND TO INCREASE CERTAIN HUNTING LICENSE FEES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

Attachment VIII

S

2

SENATE BILL 307
Judiciary II Committee Substitute Adopted 3/30/09

Short Title: Regulate Ownership & Use of Certain Reptiles.

(Public)

Sponsors:

Referred to:

February 25, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.
The General Assembly of North Carolina enacts:

SECTION 1. Article 55 of Chapter 14 of the General Statutes reads as rewritten:
"Article 55.

"Handling Regulation of Poisonous Certain Reptiles.

"§ 14-416. Handling Mishandling of poisonous-certain reptiles declared public nuisance and criminal offense.

The intentional or negligent exposure of other human beings to unsafe contact with reptiles of a venomous nature venomous reptiles, large constricting snakes, or crocodilians being is essentially dangerous and injurious and detrimental to public health, safety and welfare, the indulgence in and inducement to such exposure is hereby and is therefore declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this Article.

"§ 14-417. Regulation of ownership or use of poisonous venomous reptiles.

(a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any venomous reptile of a poisonous nature whose venom is not removed, unless such reptile is at all times kept securely in a box, cage, or other safe container in which there are no openings of sufficient size to permit the escape of such reptile, or through which such reptile can bite or inject its venom into any human being, that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Transport containers shall be designed to be escape-proof and bite-proof.

(b) Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenom, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile.

(c) In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement.

"§ 14-417.1. Regulation of ownership or use of large constricting snakes.

(a) As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.

(b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent



enclosures shall be designed to be escape-proof and shall have an operable lock. Transport containers shall be designed to be escape-proof.

(c) Each enclosure shall be labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.

(d) In the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement.

"§ 14-417.2. Regulation of ownership or use of crocodilians.

(a) All crocodilians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be escape-proof.

(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.

(c) In the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement.

"§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.

(a) It shall be unlawful for any person to intentionally handle any reptile of a poisonous nature whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be regulated under this Article in a manner that intentionally or negligently exposes another person to unsafe contact with the reptile.

(b) It shall also be unlawful for any person to intentionally or negligently suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself in an unsafe manner to any such poisonous reptile regulated in any manner defined in under this Article.

(c) Safe and responsible handling of reptiles for purposes of animal husbandry, exhibition, training, transport, and education is permitted under this section.

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

In any case in which any law-enforcement officer or animal control officer has reasonable grounds probable cause to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of such the officer and the officer he is hereby authorized, empowered, and directed to immediately investigate such the violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers the officer is are hereby authorized and directed to deliver such reptiles deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination and test for the purpose of ascertaining whether said reptiles contain venom and are poisonous. the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park for the purpose of ascertaining whether the reptile is regulated under this Article. If the Museum or the Zoological Park North Carolina State Museum of Natural Sciences or its designated representative finds that said reptiles are dangerously poisonous, or their designated representatives find that a seized reptile is a venomous reptile, large

1 ~~constricting snake, or crocodilian regulated under this Article, the North Carolina State~~
2 ~~Museum of Natural Sciences— Museum or the Zoological Park or its—their designated~~
3 ~~representative shall be empowered to dispose determine final disposition of said reptiles the~~
4 ~~reptile in a manner consistent with the safety of the public; but if public. If the Museum or the~~
5 ~~Zoological Park or its—their designated representative—representatives find that the reptiles are~~
6 ~~not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or~~
7 ~~welfare, reptile is not a venomous reptile, large constricting snake, or crocodilian regulated~~
8 ~~under this Article, and either no criminal warrants or indictments are initiated in connection~~
9 ~~with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is~~
10 ~~not being owned, possessed, used, transported, or trafficked in violation of this Article, then it~~
11 ~~shall be the duty of such the law enforcement officer officers to return the said reptiles reptile~~
12 ~~or reptiles to the person from whom they were seized within five 15 days.~~

13 **"§ 14-420. Arrest of persons violating provisions of Article.**

14 If ~~the an~~ examination and tests made by the North Carolina State Museum of Natural
15 Sciences or the North Carolina Zoological Park or its—~~their~~ designated
16 ~~representatives representative as provided herein show conducted pursuant to this Article shows~~
17 ~~that such reptiles are dangerously poisonous, the reptile is a venomous reptile, large~~
18 ~~constricting snake, or crocodilian subject to this Article, it shall be the duty of the officers~~
19 ~~officer making the seizure with probable cause to believe that the reptile is being owned,~~
20 ~~possessed, used, transported, or trafficked in violation of this Article, seizure, in addition to~~
21 ~~destroying such reptiles, also to arrest all persons violating any of the provisions of this Article.~~

22 **"§ 14-421. Exemptions from provisions of Article.**

23 This Article shall not apply to the possession, exhibition, or handling of reptiles by
24 employees or agents of duly constituted veterinarians, zoos, serpentariums, museums,
25 laboratories, educational or scientific institutions, public and private, in the course of their
26 educational or scientific work, work, or Wildlife Damage Control Agents in the course of the
27 work for which they are approved by the Wildlife Resources Commission.

28 **"§ 14-422. ~~Violation made misdemeanor.~~ Criminal penalties and civil remedies for**
29 **~~violation.~~**

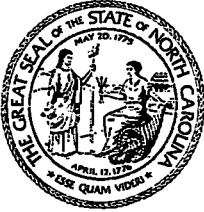
30 (a) Any person violating any of the provisions of this Article shall be guilty of a Class 2
31 misdemeanor.

32 (b) If any person, other than the owner of a venomous reptile, large constricting snake,
33 or crocodilian, the owner's agent, employee, or a member of the owner's immediate family,
34 suffers a life threatening injury or is killed as the result of a violation of this Article, the owner
35 of the reptile shall be guilty of a Class 1 misdemeanor. This subsection shall not apply to
36 violations that result from incidents that could not have been prevented or avoided by the
37 owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the
38 case of thefts, of the reptile from the owner.

39 (c) Any person intentionally releasing into the wild a nonnative venomous reptile, a
40 large constricting snake, or a crocodilian shall be guilty of a Class 1 misdemeanor.

41 (d) Violations of this Article as set forth in subsections (b) or (c) of this section shall
42 constitute wanton conduct within the meaning of G.S. 1D-5(7) and subject the violator to
43 punitive damages in any civil action that may be filed as a result of the violator's actions."

44 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
45 offenses committed on or after that date.



SENATE BILL 307: Regulate Ownership & Use of Certain Reptiles

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Environment and Natural Resources	Date:	June 2, 2009
Introduced by:	Sen. Jones	Prepared by:	Barbara Riley
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *Senate Bill 307 expands and clarifies Article 55 of Chapter 14 of the General Statutes prohibiting the handling of poisonous reptiles. The bill would add large constricting snakes and crocodilians (with the exception of the American alligator) to the provisions of the Article. It would also: (i) provide that negligent exposure, in addition to intentional exposure, of others to regulated reptiles constitutes a violation under the Article; (ii) provide additional requirements for caging and safety protocols associated with these reptiles; (iii) clarify the process upon seizure of a regulated reptile; (iv) add new penalties and remedies for violations of the Article; and (v) make other technical, clarifying, and conforming changes.*

CURRENT LAW: Article 55 of Chapter 14 of the General Statutes, "Handling of Poisonous Reptiles", provides that it is unlawful for any person to:

- Own, possess, use, or traffic in any reptile of a poisonous nature whose venom is not removed unless the reptile is kept securely in a box, cage, or safe container without openings that would allow for escape or the biting of humans.
- Intentionally handle any reptile of a poisonous nature whose venom is not removed with bare hands or by holding the reptile against any exposed part of the body or by placing one's hand (or other part of the anatomy), or that of another person's, near any container housing a poisonous reptile.
- Induce others to handle reptiles of a poisonous nature.

The statute also provides that law enforcement or animal control officers with reasonable grounds to believe a violation of the Article exists must immediately investigate the violation, seize the reptile involved, and deliver the reptile to the State Museum of Natural Sciences, or its designee, to examine the reptile in order to ascertain whether the reptile is poisonous. If the Museum determines the reptile is dangerously poisonous, the Museum is empowered to dispose of the reptile in a manner consistent with public safety and law enforcement is directed to arrest the person from whom the reptile was seized. If the Museum determines the reptile is not venomous, the statute provides for return of the reptile to the person from whom the reptile was seized.

The statute provides that violations of the Article are punishable as a Class 2 misdemeanor.

Museums, laboratories, educational and scientific institutions are exempted from the provisions of the Article.

BILL ANALYSIS: Senate Bill 307 would expand and clarify the existing laws regulating the possession of venomous reptiles. The bill:

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- Adds large constricting snakes (as listed in the bill) and all crocodilians (except the American alligator, which is already regulated by the State's Wildlife Resources Commission (WRC)) to coverage under the Article.
- Provides that negligent exposure of others to regulated reptiles, in addition to intentional exposure, constitutes a violation under the Article.
- Prohibits the transport (in addition to owning, possessing, using, or trafficking) of the regulated reptiles except in compliance with the Article's requirements.
- Provides additional requirements for caging and associated protocols as follows:
 - Venomous reptiles -- Permanent enclosures designed to be escape-proof, bite-proof, and have an operable lock; transport containers designed to be escape and bite-proof. Enclosures must be clearly labeled as containing such a reptile, with identifying anti-venom information. Written bite protocols and an escape recovery plan must be located in sight of the permanent housing and a copy must accompany transport of the reptile.
 - Large constricting snakes -- Permanent enclosures designed to be escape-proof and have an operable lock; transport containers designed to be escape-proof. Written safety protocols and escape recovery plans must be kept within sight of a permanent enclosure and accompany transport
 - Crocodilians -- Permanent enclosures designed to be escape-proof, have a fence of sufficient strength, and have an operable lock; transport containers designed to be escape-proof. Written safety protocols and escape recovery plans must be kept within sight of a permanent enclosure and accompany transport

Immediate notification of escape to law enforcement would be required in all cases.

- Prohibits handling of a regulated reptile in any manner that intentionally or negligently exposes another to unsafe contact with the reptile, or inducement of another to unsafe contact with the reptile.
- Changes the standard under which law enforcement may seize a regulated reptile from "reasonable grounds" to "probable cause".
- Provides that law enforcement officers seizing a reptile must deliver: (i) a reptile believed to be venomous to the State Museum of Natural Sciences; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the Zoo for determination as to whether the reptile is one regulated by the Article. If the Museum or Zoo renders an affirmative determination, the Museum or Zoo must determine the final disposition of the reptile and law enforcement must arrest the person in violation of the Article. If the Museum or Zoo determines the reptile is not regulated under the Article, and either no criminal warrants or indictments are initiated in connection with the reptile within 10 days of seizure or a court determines that the reptile is not being handled in violation of the Article, the reptile must be returned to the person from whom it was seized.
- Adds veterinarians, zoos, serpentariums, and Wildlife Damage Control Agents to the list of entities exempt from the Article's provisions.
- Provides additional penalties/remedies: (i) the owner of a regulated animal would be guilty of a Class 1 misdemeanor if another person (other than owner, the owner's agent, employee, or member of the owner's immediate family) suffers a life threatening injury or is killed as a result of a violation of the Article. This provision would not apply to violations that result from

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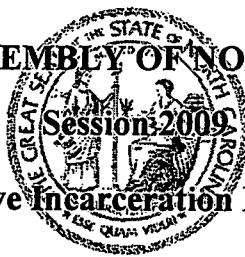
incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the case of thefts of the reptile from the owner; (ii) a person would be guilty of a Class 1 misdemeanor for the intentional release of a nonnative regulated reptile into the wild; and (iii) in cases where violations of the Article result in a life threatening injury or death, or in the case of an intentional release into the wild, the violation would be deemed to constitute wanton conduct as defined under the statutes and subject the violator to punitive damages in any civil case filed as a result.

EFFECTIVE DATE: The bill would become effective December 1, 2009, and apply to offenses committed on or after that date.

Jennifer McGinnis, counsel to Senate J II, substantially contributed to this summary.

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GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 307 (Second Edition)

SHORT TITLE: Regulate Ownership & Use of Certain Reptiles

SPONSOR(S): Senator Jones

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available (X)		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
EXPENDITURES					
GENERAL FUND					
Correction			Indeterminate fiscal impact		
Probation			Indeterminate fiscal impact		
Judicial			Indeterminate fiscal impact		
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch.					
EFFECTIVE DATE: December 1, 2009					
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

BILL SUMMARY:

This bill would amend Article 55 of Chapter 14 so that it would regulate venomous reptiles, large constricting snakes and crocodilians other than the American alligator (as opposed to just reptiles of a venomous or poisonous nature as under current law). It would address the handling, ownership, possession, use, trafficking, transportation and escape of these reptiles. It would also address investigations and arrests for violations and the seizure of these reptiles.

The bill would add transportation to the regulated activities and specify protocols and standards for secure enclosures and transport containers. The bill would add a requirement that, in the event of an escape, the owner or possessor of the reptile immediately notify local law enforcement. Violations would be Class 2 misdemeanors.

The bill would change the scope of G.S. 14-418:

- a) Remove the current prohibition on intentionally handling a venomous reptile. Instead, prohibit the handling of a venomous reptile, large constricting snake, or crocodilian in a manner than intentionally or negligently exposes another person to unsafe contact with the reptile.
- b) Add "negligently" to the prohibition on suggesting/inducing/aiding another person to handle or expose himself to a regulated reptile (also adds "in an unsafe manner").
- c) Permit safe and reasonable handling of reptiles for the purposes of animal husbandry, exhibition, training, transport, and education.

The bill would also change the standard for immediate investigations and seizure of reptiles by a law enforcement officer or animal control officer from "reasonable grounds" to "probable cause" in G.S. 14-419.

Under current law, violations of Article 55 are Class 2 misdemeanors. The bill would add (i) a Class 1 misdemeanor where a violation of the Article results in a life threatening injury to, or the death of, someone other than the owner or the owner's immediate family, employee, or the agent and (ii) a Class 1 misdemeanor where a person intentionally release into the wild a nonnative enormous reptile, a large constricting snake, or a crocodilian. (There are exemptions for unavoidable incidents such as acts of God or theft.) Violations resulting in life threatening injury to death by intentional release would be deemed to constitute wanton conduct and subject the violator to punitive damages in any civil case filed as a result.

ASSUMPTIONS AND METHODOLOGY:

General

The North Carolina Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

Sentencing Commission staff outlined six sections and subsections of the bill and explained the proposed changes as they relate to current law (see below). Based on available data, *the Sentencing Commission is not able to predict the number of additional convictions that may result from the bill.* Proposed G.S. 14-422 contains a Class 1 misdemeanor offense. In FY 2007-08, 21% of Class 1 misdemeanor convictions resulted in active sentences. The average estimated time served for Class 1 convictions was 30 days. The other sections in this bill contain Class 2 misdemeanor offenses. In FY 2007-08, 20% of Class 2 misdemeanor convictions resulted in active sentences. The average estimated time served for Class 2 convictions was 10 days. Offenders serving active sentences of 90 days or less are housed in county jails. The Department of Correction (DOC) reimburses county jails for misdemeanants, starting on the 31st day at a rate of \$18 per day. Because the average active sentences for Class 1 and Class 2 misdemeanors are less than 31 days, the State would incur no costs for convictions under the proposed bill. The impact on local jail populations is not known.

G.S.14-416

Currently, under G.S. 14-416, Handling of poisonous reptiles declared public nuisance and criminal offense, a person is guilty of a Class 2 misdemeanor if that person intentionally exposes human beings to contact with reptiles of a venomous nature. This section would broaden the scope of G.S. 14-416, making it a Class 2 misdemeanor for any person to intentionally or negligently expose any other human being to unsafe contact with venomous reptiles, with large constricting snakes, or with crocodilians.

In FY 2007-08, there were no convictions under G.S. 14-416. *It is not known how many additional convictions may result from the proposed broadening of the current statute.*

G.S. 14-417

G.S. 14-417, Regulation of ownership or use of poisonous reptiles, currently makes it a Class 2 misdemeanor for any person to own, possess, use or traffic in any reptile of a poisonous nature whose venom is not removed, unless such reptile is, at all times, kept securely in a box, cage or other safe container in which there are no openings of sufficient size to permit escape of such reptile, or through which such reptile can bite or inject its venom into any human being. This section would expand the scope of the offense by making it a Class 2 misdemeanor for any person to own, possess, use, transport, or traffic any venomous reptile that is not housed in a sturdy and secure enclosure, as defined by G.S. 14-417(b).

The Administrative Office of the Courts (AOC) currently does not have a specific offense code for violations of G.S. 14-417. The lack of an AOC offense code is some indication that this offense is infrequently charged and/or infrequently results in convictions. *It is not known how many additional convictions may result from the proposed broadening of the current statute.*

This bill also creates a new offense, G.S. 14-417(c), requiring that in the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement, and that failure to do so would be a Class 2 misdemeanor.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this section on the prison population. *It is not known how many offenders might be convicted and sentenced under the proposed section.*

G.S. 14-417.1

New section, G.S. 14-417.1, Regulation of ownership or use of large constricting snakes, subsection (a) would make it a Class 2 misdemeanor for any person to own, possess, use, transport or traffic in any large constricting snakes, as defined by the statute, that are not housed in a sturdy and secure enclosure, as defined by and conforming to the guidelines set out in the G.S. 14-417.1(b). G.S. 14-417.1(c) would also require that, in the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement; failure to do so would be a Class 2 misdemeanor.

Since the proposed section creates new offenses, the Sentencing Commission does not have any historical data from which to estimate the impact of this section on the prison population. *It is not known how many offenders might be convicted and sentenced under the proposed section.*

G.S. 14-417.2

New section, G.S. 14-417.2, Regulation of ownership of crocodilians, would regulate all crocodilians, except the American alligator. G.S. 14-417.2(a) would make it a Class 2 misdemeanor for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure, as defined by and conforming to the guidelines set out in G.S. 14-417.2(b). G.S. 14-417.2(c) would require that, in the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement, and that failure to do so would be a Class 2 misdemeanor.

Since the proposed section creates new offenses, the Sentencing Commission does not have any historical data from which to estimate the impact of this section on the prison population. *It is not known how many offenders might be convicted and sentenced under the proposed section.*

G.S. 14-418

Currently, G.S. 14-418, Prohibited handling of reptiles or suggesting or inducing others to handle, makes it a Class 2 misdemeanor for any person to intentionally handle any reptile of a poisonous nature, whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile

against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be. Further, it is unlawful for any person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself to any such poisonous reptile in any manner defined in this Article. This bill would separate G.S. 14-418 into three sections and would expand the scope of G.S. 14-418(a) to make it a Class 2 misdemeanor for any person to handle any reptile in a manner that intentionally or negligently exposes another individual to unsafe contact with such reptile.

The Administrative Office of the Courts (AOC) currently does not have a specific offense code for violations of G.S. 14-418. The lack of an AOC offense code is some indication that this offense is infrequently charged and/or infrequently results in convictions. *It is not known how many additional convictions may result from the proposed broadening of the current statute.*

G.S. 14-418(b) would make it a Class 2 misdemeanor for any person to intentionally or negligently suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself in an unsafe manner to any reptile regulated under this Article.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this section on the prison population. *It is not known how many offenders might be convicted and sentenced under the proposed section.*

This bill would also provide in G.S. 14-418(c) that safe and responsible handling of reptiles for purposes of animal husbandry, training, transport, and education is permitted.

G.S. 14-422

This section adds G.S. 14-422(b), which would make it a Class 1 misdemeanor if a person, other than the owner of a venomous reptile, large constricting snake, or crocodilian, the owners' agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as a result of a violation of this Article. G.S. 14-422(b) would not apply to violations that result from incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, or in the case of thefts of the reptile from the owner. G.S. 14-422(b) would apply to all of the above discussed provisions. Further, this section adds G.S. 14-422(c), which would make any person intentionally releasing into the wild, a nonnative venomous reptile, a large constricting snake, or a crocodilian guilty of a Class 1 misdemeanor.

Since the proposed section creates new offenses, the Sentencing Commission does not have any historical data from which to estimate the impact of this section on the prison population. *It is not known how many offenders might be convicted and sentenced under G.S. 14-422(b) and (c).*

Department of Correction – Division of Prisons

The Sentencing and Policy Advisory Commission does not have any data upon which to estimate the impact of this bill on the prison population. Therefore, *it is not known how many additional prison beds may be needed* under the proposed legislation. In addition, the majority of convictions likely to be granted active sentences under this bill will be incarcerated for a length of 90 days or less and thus will be housed in county jails. The Department of Correction (DOC) reimburses county jails for misdemeanants, starting on the 31st day at a rate of \$18 per day. Because the average active sentences for Class 1 and Class 2 misdemeanors are less than 31 days, the State would incur no costs for convictions under the proposed bill. The impact on local jail populations is not known.

It is important to note that based on the most recent population projections and estimated bed capacity, *there are no surplus prison beds available for the five-year fiscal note horizon and beyond.* Therefore, any additional prison beds that may be required as a result of the implementation of this proposed legislation will place a further burden on the prison bed shortage.

Department of Correction – Division of Community Corrections

For felony offense classes E through I and all misdemeanor classes, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Intermediate sanctions include intensive supervision probation, special probation, house arrest with electronic monitoring, day reporting center, residential treatment facility, and drug treatment court. Community sanctions include supervised probation, unsupervised probation, community service, fines, and restitution. Offenders given intermediate or community sanctions requiring supervision are supervised by the Division of Community Corrections (DCC); DCC also oversees community service.¹

General supervision of intermediate and community offenders by a probation officer costs DCC \$2.37 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. The daily cost per offender on intermediate sanction ranges from \$8.43 to \$16.71, depending upon sanction type. Thus, assuming intensive supervision probation – the most frequently used intermediate sanction – the estimated daily cost per intermediate offender is \$16.71 for the initial six-month intensive duration, and \$2.09 for general supervision each day thereafter. Total costs to DCC are based on average supervision length and the percentage of offenders (per offense class) sentenced to intermediate sanctions and supervised probations.

Because there is no data available upon which to base an estimate of the number of convictions that will result in sentences of intermediate or community punishment, *potential costs to DCC cannot be determined.*

Judicial Branch

The Administrative Office of the Courts (AOC) provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

For 2008, AOC data reveal no charges or convictions under G.S. 14-422 (handling dangerous reptiles), a Class 2 misdemeanor. Therefore, *AOC does not estimate any reduction in charges from the deletion of the ban on some venomous reptile-handling activities.* This bill would expand the scope of Article 55 to include more reptiles and activities as described above, creating the potential for new Class 2 misdemeanor charges. The bill would also elevate a subset of violations from Class 2 misdemeanors to Class 1 misdemeanors (life threatening injury or death resulting) and create a new Class 1 misdemeanor (intentional release).

AOC cannot determine the number of new charges that would result from this bill. In FY 2007-08, a typical misdemeanor case took approximately 87 days to dispose in District Court. The cost to dispose of each new charge would range from \$91 (Class 2 plea) to \$279 (Class 1 trial). Indigent defense time for misdemeanor cases averages three hours per indigent defendant, or \$225 (\$75 per hour). Any increase in judicial caseload without accompanying resources could be expected to further delay the disposition of cases.

¹ DCC incurs costs of \$0.69 per day for each offender sentenced to the Community Service Work Program; however, the total cost for this program cannot be determined.

AOC also cannot project the number of civil cases that might arise under this bill. Daily costs for civil cases range from \$955 (non-jury District Court trial) to \$2,001 (Superior Court jury trial longer than 5 days); costs are for in-court personnel only.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Danielle Seale, Denise Thomas

APPROVED BY:

Bob Weiss
on behalf of Marilyn Chism, Director
Fiscal Research Division



DATE: April 14, 2009

Signed Copy Located in the NCGA Principal Clerk's Offices



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 307

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S307-ARF-7 [v.3]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
Second Edition.

Date June 3, 2009

Representative _____

- 1 moves to amend the bill on page 1, line 32, by deleting the word "reticulates" and substituting
2 the word "reticulatus"; and
3
4 on page 3, line 36, by deleting the comma.
5
6

SIGNED Jimmy R. Love, Jr.
Amendment Sponsor

SIGNED Arthur W. Williams
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

SB 307 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING
THE USE OF CERTAIN REPTILES.

☒ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ENVIRONMENT AND NATURAL RESOURCES.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, August 5, 2009

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met 12:00 noon in Room 415 of the Legislative Office Building on Wednesday, August 5, 2009.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Fred Steen, Roger West and Michael Wray, Vice-Chairs; and Representatives Gulley, Love, Lucas, McLawhorn, Rhyne, Spear, Iler and Ingle. Staff Member Susan Sitze was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda, visitor registration sheet, and sign up sheet for people wanting to speak against bill (Attachments II, III, and IV). Note: A sign up sheet for people wanting to speak for bill was not included as no one signed sheet.

Representative Arthur Williams, presiding, called the meeting to order at 12:03 p.m. and welcomed the visitors. Chair Williams recognized the Sgt.-in-Arms: Jerald Perry and James Worth and page: Chase Creech from Catawba County sponsored by Rep. Whilden and Allyn Carlos-Barr from Cumberland County sponsored by Marvin Lucas. Chair Williams also welcomed two new members to the committee: Frank Iler and Dan Ingle.

The bill on the agenda was HB807 Public Safety Registration, an act providing for the protection of the public against the health and safety risks that certain characteristically wild animals pose to the community, sponsored by Senator Ed Jones. (Attachments V and VI, bill and analysis) There was a proposed committee substitute and Rep. Lucas made motion to bring it before the committee. Motion carried. (Attachment VII) Chair Williams then called upon Senator Jones to explain his bill.

Senator Jones stated that the animals in this bill were just four – lions, tigers, leopards and all bears that are not native to the state of North Carolina. The bill was not an attempt here to put anyone out of business. The bill was designed to keep people from having lions, tigers, and leopards in their backyard. There was a lot more in this bill and the API wanted more, but it did not seem reasonable at the end of the day. These animals will kill you. We put a lot of exemptions in the bill to take into consideration anyone's livelihood. What we wanted to do was register these things. We wanted to make sure we knew where they were at in case one got away. In case you have rescue come to your resident, they want to know what is in there. We have people who like to keep animals

but they get so large they cannot afford to feed them, but they are part of the family and you don't want to kill them. So again it is also protection for the animal itself. We want to be sure they are properly cared of and that they are not being abused. That is basically what the bill does. It also talks about getting these animals back in case one of them escapes and who is going to pay for it. This is a bill in progress. We had the same problem with the reptile bill until a child got killed from one and then we made it a felony. We are trying to be proactive instead of trying to react to something.

Chair Williams called upon Jennifer McGinnis from the Research Division to explain the changes in bill. Jennifer McGinnis stated that the first change to bill was on top of page 3 where there was language included for an exemption for USDA Class A, B and C licensees. Basically allowing confiscation or prohibiting return of an animal if the licensee were engaged in illegal activity. The next change is a new subsection b on page 3 at line 13 and 14 which basically allows new zoos in the state falling under the exemption provided that they obtain the appropriate USDA license. Next on page 3 is a fee applicable to possessors of these animals that are grandfathered. In a previous version the fee would have been \$100 per location and then \$10 for an animal at that site. The \$100 per site has been deleted leaving only the \$10 per animal charge. The next is a new subdivision 5 on page 3 on lines 44 through 48 which requires a possessor of grandfathered animals to maintain a liability insurance policy in an amount not less than \$250,000 and the last change came with language included on page 4 concerning compliance with other state and federal laws for these possessors of grandfathered animals that language has been deleted. Also on page 4 under section 19B-4(b) that implements a process for confiscation wherein an animal control authority must go to a magistrate to get an order in order to confiscate the animal.

Chair Williams asked for questions from committee. Rep. Love asked what the definition of magistrate was. Susan Sitze stated the definition of magistrate was not designated because it is a state statute that calls for a state magistrate not a federal magistrate. Rep. Cleveland referred to page 3 of the bill on lines 35 through 38 which stated, "the possessor shall prepare and submit to the animal control authority at the time of payment of the fee required by subdivision (1) of this subsection a contingency plan to protect first responders by providing for the quick and safe recapture of the characteristically wild animal in the event of an escape." Rep. Cleveland stated that he could not fathom a plan that would require the safe and quick recapture of an animal that has escaped. Senator Jones stated that it meant you could have some type of drug to tranquilize the animal and not kill them. However, it does not work on all animals. What you would use on a bear is not what you would use on a tiger. What type of recapture plan you want to go after with the drugs. If you have to use a gun, then that is the last part. Of course, that was always an alternative. Rep. Cleveland stated that if he understood correctly the owners would be required to have a tranquilizer gun, tranquilizer drugs, etc. to recapture the animal. Senator Jones stated the owner could have it or animal control or the person whose jurisdiction where it was located. Rep. Cleveland stated that if a person who had the animal must provide the means to recapture the animal. Senator Jones replied, I would think so, yes, if it was your animal. Susan Sitze stated that it does not necessarily

state that the owner has to buy it. They must have access to it. If the owner knows their local animal control has it and they could put it in their plan that local animal control has it or someone else has it. I don't think they necessarily have to purchase it. The owner has to state how it can be obtained. Rep. Cleveland stated that he had a problem with that part of the bill. It states in (2) that animal control will be given this information and then down in (4) it says the possessor shall present paperwork described in subdivision (3) of this subsection to an animal control or law enforcement authority upon request. Then on page 5 line 13 gives the city or county to adopt ordinances to get rid of animals period. I am sure that was intentionally put there to do that. Senator Jones stated he did not do anything to intentionally do away with any kind of animal. He stated the bill only dealt with lions, tigers, bears and that was all. The bill had nothing to do with a dog, cat or bird or anything else. Senator Jones stated that he loved dogs, but then again he didn't want something around the playground or my children or your children to become dangerous. Of course, if one of these animals got away you would have to shut down playgrounds, malls, etc. until these things are captured. So again, I think it is too broad of a statement to say animals. Jennifer McGinnis stated that sentence was just standard language. Rep. Cleveland requested that if it was standard then put it in bill. Jennifer McGinnis stated it was not to impair existing authority. Rep. Cleveland asked if there was any information to tell the committee how many lions, tigers, leopards and bears are in North Carolina in the hands of private citizens. Senator Jones stated he did not any information.

Rep. Lucas stated that when he thought of this type of animal he thought about double fencing. He asked if that should be somewhere mentioned or how the animal should be confined.

Mindy Stinner, the Conservations' Center, stated that Senator Jones contacted them in writing the bill to make sure it focused on animal welfare and public safety. That was way the bill started and she thought it was going to take them in that direction, but at the moment she had her doubts about it. The bill does not put one standard forth. There are different standards for different people who fall into different categories. There are members of a private club like the ATA then you have different expectations. If you are a USDA licensed facility, which the Conservation Center is, any zoo, any breeder or anybody conducts a program at a school where your children go, those groups or individuals are already licensed and inspected by a veterinary with USDA's Animals/Plants Inspection Service. That does require double fencing, cages that are able to contain the animal properly, and they look out for animal welfare and human safety. So we truly believe that setting that as a standard and having no additional caveats is a reasonable expectation. If you are USDA licensed you are also required to have a recapture plan or a destruction of animal plan. If our tigers were to leave our preliminary fence area then our plan calls for us to destroy them. It would break my heart, but it would keep anyone from getting hurt and that is the most important thing in the end. There are cutoff dates in the bill that will require our facility, which is a rescue facility as well as a breeding and educational facility, to register all our animals by January 1 and would not allow us to add any additional animals after that. This was added in after it left

the original committee in the Senate. When it went through Finance there was substitute that came in and put additional caveats on us. There is also a date in the bill that is referenced in spite of the fact that the bill specifically states that this is not intended to prevent for new zoos opening. It does. The bill conflicts itself basically. There were sections about breaking unrelated laws so that if I get cited by the homeowners' association for not mowing my grass, they could seize my cats, which was removed and I appreciate that. This new version does require insurance for private owners, which does not exist. There is no insurance company that will provide an insurance policy in the amount of \$250,000 for a big cat and that was a serious issue last year. Everyone that I know that has tried to get it. If you are a private owner, like us, you are a commercial private owner, then you can obtain it but if you are an individual private owner keeping this animal, then you can not. It is already illegal to endanger children and it is already illegal to improperly contain a dangerous animal. I don't think there is anyone who would argue with you that lions, tigers, leopards and bears are dangerous animals. I don't know that we have time to fix this bill and make it do what Senator Jones originally intended for it to do to keep people safe and keep animals healthy in the time you have left this session. We certainly would offer our services for next year to be able to try this again but I urge you not to pass it in its current form.

Chair Williams called upon Douglas Evans, Conservator's Center. Mr. Evans stated that he had the same problems with insurance. The Department of Insurance of North Carolina has come forward and said we cannot provide this insurance. They could not force our insurers to provide this type of insurance. Basically, we are in favor of fair and reasonable regulations and we have tried to work with Senator Jones to get that. It is just things got added to the bill. I agree that everyone should be inspected and there should be one standard. However, on page 5, lines 10-13 it is redundant and I think it was added with the intention to close new businesses. The proposed committee substitute has some changes that we are very much in favor of and we appreciate that. As Mindy Stinner stated if the wording was changed in a couple of places we could definitely support the bill. We had requested a previous version of that phase in compliance with USDA Animal Welfare Act be changed to in good standing with the USDA because even though we have a clean record you could also have a conflict. Under the old version my animals could be seized. We are the home of last resort for many of these animals. We are not breeding lions, tigers, leopards and bears for sale.

Jennifer McGinnis asked Mindy Stinner that at one point she said the USDA a licensee would not be permitted to acquire new animals after that date. Ms. Stinner replied that on page 2, number 9 where it states they must register with the animal control authority as required by GS 19B-3(b) (1) on page 3 which states the possessor shall maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to January 1, 2010. Jennifer McGinnis replied that on page 2, line 40 that you may acquire new characteristically wild animals after that date. Ms. Stinner stated the language contradicted itself. Ms. McGinnis stated that if it was the will of the Chair and the Senator, then staff could certainly do an amendment to clarify that the intent of line 40 is

clearly to allow the acquisition of new animals. Senator Jones stated he had no problem with that because, back to his original statement, he was not here to put anyone out of business. That is not his intention. The bill was for the safety and welfare of the community and that has always been what my intentions have been. As to insurance, he did not want to make it so unreasonable that people could not afford it. Ms. Stinner stated she could afford the insurance, but the private owners, the people who are non-commercial, could not get it. Liability insurance of \$250,000 for non-commercial licensed facilities as required under the bill does not exist. Senator Jones stated that they don't need these animals if insurance does not exist. Mr. Evans stated the problem that he saw was if you have these animals and you cannot get insurance then what do you do with them. These animals are endangered species. You cannot euthanize tigers because they are endangered species; every single one in the United States. If they are in your backyard and you are not in compliance, unless you are not going to fund it then we cannot take them. Tigers live somewhere between 35 and 40 years.

Representative Ingle asked if there was anyone to speak in favor of the bill as it is written. Johnny Tillet, lobbyist for McQuire Woods and who was respecting API (Animal Protection Institute). He stated he had been working on this bill along with Senator Jones for 4 years. As the bill is written now, his clients like it but it should be better. He stated he was floored by what he had heard from the other side because Senator Jones had brought them in and asked them to help write this bill. We worked on this bill all session. It went through the Senate with no problems and now today he was floored that things have changed. We want to know who has animals in their backyard. What we are trying to do is bring awareness about these animals.

Rep. Rhyne directed question to staff. He asked to be walked through two scenarios. Let's say I have got plenty of resources and I want to come into North Carolina after this bill passes and I want to raise these animals for conservation purposes or to sell them to circuses. I have all the safety equipment money can buy, then can I do that? Susan Sitze stated that if you are federally licensed or one of the exceptions on page 2, then yes you can. Jennifer McGinnis stated that if you exhibit the animal or breed the animal you would need a USDA license. If you had that license, then under this bill you would be allowed to do that. Rep. Rhyne asked that if he was just Jonathan Rhyne and he wanted to buy a tiger for whatever reason as a private owner and he wanted to have triple or quadruple fences where the animal could not get out, armed guards 24 hours a day, big African gun, can you do that after this bill passes. Jennifer McGinnis stated that are January 1, 2010 you could not acquire a new animal if you did not fall under the exceptions. Rep. Rhyne asked if, in fact, we have had fatalities or serious injury lately because of these animals getting out and hurting somebody. Jennifer McGinnis replied that she believed there was a situation in Wilkes County where there was a fatality of a young boy several years ago.

Rep. Spears asked staff on page 5 where it talked about penalties and enforcements thereof. Under penalty it says a civil penalty to be determined by the court. Rep. Spears asked if there could be a provision that states some civil penalty up to and not exceeding

a certain amount. He could see where in one situation the court might determine that a \$25 fee would be appropriate and another court could determine a \$1,000 civil penalty was appropriate for similar or same violations. Also, from a law enforcement standpoint it provides the Sheriff and the law enforcement agencies, such as animal control, authority to enforce it. Enforcement could be by city code violation for not having the proper fencing or equipment. In those situations, that would be a civil penalty. However, if the Sheriff endorses it, then someone would receive a ticket. It suggested streamlining it a little bit setting out what would be the penalty. Currently it says civil, not criminal. Maybe the city code would be proper for enforcing it. Rep. Spears stated that the last part talks about the enforcement being on the Sheriff and Deputies, but it is not a criminal situation. Since it is a civil penalty then a code enforcement officer for a town should do it. Again, it does not set out what the penalty is, but leaves it in the discretion of the court to establish what a civil penalty would be. Again you will have one county versus another. You need to have that penalty all across the board. Rep. Spears suggested the bill sponsor might want to set what the penalty would be and up to what amount. At least the court will have some guidelines. Your code enforcement officer or some other people in the town could enforce this other than the Sheriff. Senator Jones stated that he had no problem with that. This bill when it leaves here will have to go to Finance and this is not the final say before you see it on the floor. You have a lot of committees you go through over here and so it has got to go to Finance before it gets to the floor so we can surely look at that and try to help you with that. Rep. Spears stated that was just a suggestion to help improve the bill. Senator Jones stated he would be glad to work with him on that.

Rep. McLawhorn stated she felt the bill needed a lot of work. She wanted to protect people from dangerous animals, if they were in situations where we were able to protect them. Rep. McLawhorn stated she realized there were many concerns about the bill. She requested the Chairman if anybody was present from the Wildlife that could offer any kind of opinion or guidance on how this bill is written now. Gordon Myers from Wildlife had not worked on the bill and did not respond. Rep. McLawhorn stated that her concern was that the committee do the right thing and have a bill that provided protection for the public, as well as protecting the folks that have these animals legitimately. She realized that the bill went to Finance and then to the Chamber, but there needed to be some resolution. She expressed concern over what she had heard in committee.

Rep. Lucas stated that the committee had listened to the bill quite a bit and it could go on a bit farther and it still had a journey to Finance. He stated he don't know what motion Rep. Cleveland was desirous of making, but suggested it might be in the best interest of the committee to pass this bill on to Finance without prejudice. That was not a motion, but only a suggestion. Chair Williams stated that it was up to Rep. Cleveland and asked for other questions. Rep. Rhyne asked if you could replace one of your animals. Susan Sitze responded they are working to clarify that, but she did not believe that is what the bill intention to deny ownership of an animal as long as the owner met one of the exceptions and was federally licensed. Rep. Rhyne stated that what if someone was doing a good job with raising these tigers, they take in these rescue animals that otherwise are being treated inhumanely, and they are doing a good job and they have 50

animals then a rescued animal came up and they wanted to go from 50 to 51, not to replace an animal, but to add one could they do that. Susan Sitze responded yes if they are federally licensed or met one of the other exceptions.

Jennifer McGinnis stated the amendment was ready and would rewrite lines 42 and 43 to read, "Register with the animal control authority for the city or county in which the animal was located. The registration shall include the person's name, address, telephone number, a complete inventory of each characteristically wild animal that the person possesses, a photograph or microchip number for each animal and the address for the site at which each animal is located." It is identical with the exception of the date the language in the text. Chair Williams calls for questions on the amendment. Rep. Wray set forth the amendment and made motion the amendment be adopted. Motion carried. (Attachment VIII)

Chair Williams recognized Rep. Cleveland for a motion. Rep. Cleveland moved to roll the amendment into the proposed committee substitute and for an unfavorable report for Senator Bill 807.

Rep. Wray requested a moment for discussion. He stated he felt the Senator had worked really hard on the bill and he would appreciate the committee failing the motion. He suggested motion be made to pass it without prejudice. The bill was a work in progress and no bill up here is perfect but as the Senator stressed anything you can do to save the life of a child or an adult that is what it is about. Rep. Wray stated he would appreciate the committee defeating the motion.

Rep. Ingle stated that the problem was both sides still have disagreements as we have seen here today that is why he asked the supporter of the bill to speak. However, if it is a bad bill, then it is a bad bill. He suggested coming back at a later time when the committee could put a lot of thinking and work into it and put a good bill together.

Rep. Lucas stated that when there was anything for the potential to endanger a person's life, then he did not think it could be considered bad. He stated that all resources needed to be exhausted to ensure human safety and welfare. If the bill is left out there and is given an unfavorable report, then we have done nothing to counteract what has already happened in Wilkes County or potentially might happen in other counties in this state. Therefore, Rep. Lucas did not think the committee should give the bill an unfavorable report. He concurred with Rep. Wray and suggested the bill be worked on in Finance.

Senator Jones stated he had worked hard on the bill. When you heard from the Sheriff in the county where a child was pulled under a fence and there was nothing in the law to protect the public. No one has done anything about that. He filed the bill for that child and not for anyone else. He did it for that one child that was killed. There was nothing wrong with the bill if it saves lives. There is nothing wrong with it. The bill is never going to be perfect. No one is ever going to like the bill, but he felt he did the right thing. Senator Jones stated he was not going to withdraw the bill. If the committee wanted to

kill the bill; then that is what will happen. He stated he worked hard on the bill and the General Assembly even had a study session on it. There were people from the zoos that came and the General Assembly spent a lot of taxpayer dollars on this one bill. There was a lot of thing removed from the original bill, such as monkeys, apes, and all kind of stuff, but it came down to the point where someone was most likely going to have to bend over backwards with folks to try to make it work. He told the committee to vote as they thought was right. If the committee felt it was a bad bill, then that was their decision. He asked that committee to vote their conscience. This was a bill that could be worked on, it had some merit to it and he was going to continue to let it live on. He sponsored the bill because in his community people brought things to poor neighborhoods that had the less resistance. He was trying to be proactive instead of reactive. Senator Jones thanked you for your attention and time.

Rep. Cleveland stated that he still felt it was a bad bill and for that reason he was making a motion not to pass it. The committee had already been told that local governments have the authority to regulate these animals. He felt there was a mechanism in place where local governments could take care of regulating these animals.

Chair Williams requested the roll be called on Rep. Cleveland's motion for an unfavorable report.

Rep. Ingle stated that if this was the last time we got a change to look at this bill then he could see the members voting for the motion to give the bill an unfavorable report. He felt the discussions had created concerns by the people present, which needed to be addressed. He also felt it had opened the lines of communication between the bill sponsor and opponents to provide them opportunity to work out some of these differences between this committee and Finance. If some of the same concerns still exist then the same motion could be made in Finance and the bill killed there. To kill it prematurely was just the wrong thing to do. He asked the committee to vote against the motion to give it unfavorable report.

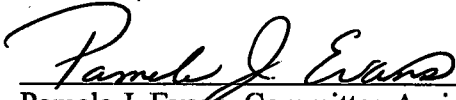
Roll was called. Rep. Cleveland voted yes; Rep. Steen voted no; Rep. West voted yes; Rep. Wray voted no; Rep. Gulley voted yes; Rep. Iler voted yes; Rep. Ingle voted yes; Rep. Love voted no; Rep. Lucas voted no; Rep. McLawhorn voted no; Rep. Rhyne voted yes; and Rep. Spear voted no. Reps. Brisson and Cole were not present for vote. The vote was tied 6-6. Chair Williams voted no breaking the tie 7-6. (Attachment IX)

Rep. Love made motion to roll the amendment into the committee substitute, the committee substitute to given a favorable report, unfavorable as to the original bill with recommendation that the bill be re-referred to Finance.

Rep. Rhyne called for a point of order. It was 4 minutes to 1:00 and according to Rule 28(f) ...All standing committee and permanent subcommittee meetings shall adjourn no later than: (2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

In view of the time, Chair Williams adjourned meeting at 12:57 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday August 5, 2009

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

SB807 Public Safety Registration – Senator Ed Jones

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

August 5, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Cindy Stansell	NCFDC
Elizabeth Biser	DENR
Alexandra Embury	DENR
Sarah Clapp	NCWRC
Gordon Myers	NCWRC
Douglass Evans	CCI
Mindy Stinner	CCI
Steve Wall	NCFDC

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Name of Committee

August 5, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

John Will

Nidia ~~Das~~

MWC

John Flaherty

T. Darwen ASS/NEPC

Amy Hobbs

MWC

Amanda Hirsch

Haus

Harvard Longfellow

NS

Date: 5th AUG-09

WILDLIFE RESOURCES COMMITTEE
PEOPLE WANTING TO SPEAK
AGAINST BILL

Name

Organization

Mindy Stinner

Conservators' Center

Douglas E. Cross

Conservators' Center

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

3

SENATE BILL 807
Judiciary II Committee Substitute Adopted 6/8/09
Finance Committee Substitute Adopted 6/30/09

Short Title: Public Safety Registration.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE
3 HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD
4 ANIMALS POSE TO THE COMMUNITY.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

7 "Chapter 19B.

8 "Characteristically Wild Animals.

9 "§ 19B-1. Definitions.

10 The following terms as used in this Chapter mean:

- 11 (1) "Animal control authority" means the agency designated by the city or
12 county to administer ordinances regulating, restricting, or prohibiting the
13 possession of characteristically wild animals. The animal control agency
14 may be a municipal or county animal control agency, county sheriff, or other
15 designated agency.
- 16 (2) "Characteristically wild animal" means one of the following types of animals
17 of the order Carnivora, and any hybrids of these animals, unless otherwise
18 specified:
- 19 a. Family Felidae – only lions, tigers, and leopards.
- 20 b. Family Ursidae – all bears that are not native to this State.
- 21 (3) "Person" means any individual, partnership, corporation, organization, trade
22 or professional association, firm, limited liability company, joint venture,
23 association, trust, estate, or any other legal entity, and any employee, agent,
24 or representative of the entity.
- 25 (4) "Possessor" means any person who owns, possesses, keeps, harbors, brings
26 into the State, acts as a custodian of, or has custody or control of, a
27 characteristically wild animal.
- 28 (5) "Wildlife sanctuary" means a nonprofit organization that cares for animals
29 defined as characteristically wild animals and within whose facilities none of
30 the following activities occur:
- 31 a. Activity that is not inherent to the animal's nature, natural conduct, or
32 the animal in its natural habitat is conducted.
- 33 b. Commercial activity involving an animal occurs including, but not
34 limited to, the sale of or trade in animals, animal parts, animal
35 by-products, or animal offspring, or the sale of photographic



opportunities involving an animal, or the use of an animal for any type of entertainment purpose.

c. Unescorted public visitations or direct contact occurs between the public and an animal.

d. Breeding of animals.

"§ 19B-2. Exemptions.

(a) The provisions of this Chapter do not apply to:

(1) Institutions accredited by the American Zoo and Aquarium Association (AZA).

(2) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing a characteristically wild animal at the written request of the animal control authority or acting under the authority of this Chapter.

(3) Federal or State wildlife enforcement officers acting under the scope of their authority.

(4) Animal control or law enforcement agencies or officers acting under the authority of this act.

(5) Veterinary hospitals, clinics, veterinarians, and persons employed at such facilities under the direction of a veterinarian who are actively treating a characteristically wild animal in their professional capacity as a veterinarian or employee of such facility.

(6) Any wildlife sanctuary as defined in G.S. 19B-1(5).

(7) A university, college, laboratory, or other research facility holding a Class R registration under the Animal Welfare Act, 7 U.S.C. §§ 2131, et seq., as amended.

(8) Circuses that are incorporated and hold a Class C license under the Animal Welfare Act, 7 U.S.C. §§ 2131, et seq., as amended, that are temporarily in this State, and that offer performances by live animals, clowns, and acrobats for public entertainment. Circuses do not include persons, whether or not Class C licensees, who present any regulated animal to the public as part of a carnival or for the purpose of (i) exhibition; or (ii) entertainment that includes wrestling, a photography opportunity with a patron, or an activity in which any regulated animal and a patron are in close contact with each other.

(9) Any person who possesses a valid United States Department of Agriculture Class A, B, or C license and is in compliance with the United States Department of Agriculture Animal Welfare Act regulations and standards on January 1, 2010, may acquire new characteristically wild animals after that date, and must do all of the following:

a. Register with the animal control authority as required by G.S. 19B-3(b)(1) and G.S. 19B-3(c) of this Chapter, as applicable.

b. Maintain a liability insurance policy in an amount not less than two hundred fifty thousand dollars (\$250,000) with an insurer authorized or approved to write such insurance in this State that covers claims for injury or damage to persons or property.

c. Not allow photo opportunities or direct contact between characteristically wild animals and members of the public or the possessor's family and friends with animals that are over the age of six months. "Direct contact" means any situation in which an individual may potentially touch or otherwise come into physical contact with a characteristically wild animal.

If a characteristically wild animal possessed pursuant to this subdivision dies of neglect or cruelty, is confiscated and not returned to the possessor pursuant to G.S. 19B-4, or if the possessor is involved in illegal activities, the possessor shall no longer be permitted to acquire new characteristically wild animals.

(10) A person who does not reside in this State and is traveling through this State with a regulated species if the transit time is not more than 72 hours and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping.

(11) Indigenous species already regulated by the North Carolina Wildlife Resources Commission.

"§ 19B-3. Keeping of characteristically wild animals; conditions under which grandfathered animals may be kept.

(a) Except as otherwise provided in this Chapter, it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any means, a characteristically wild animal, including transactions conducted via the Internet.

(b) A person in legal possession of a characteristically wild animal prior to January 1, 2010, and who is the legal possessor of the animal, may keep possession of the animal for the remainder of the animal's life, subject to all of the following conditions:

(1) On or before January 1, 2010, the possessor of a characteristically wild animal shall register with the animal control authority for the city or county in which the animal is located. The registration shall include the person's name, address, telephone number, a complete inventory of each characteristically wild animal that the person possesses, a photograph or microchip number for each animal, the address for the site at which each animal is located, and the payment to the animal control authority of a one-time fee of one hundred dollars (\$100.00) per site at which a characteristically wild animal is to be located and ten dollars (\$10.00) per characteristically wild animal located at that site to cover the costs of enforcement of this Chapter. A possessor shall have a continuing obligation to promptly notify the animal control authority with jurisdiction of any material changes to the information required for registration.

(2) The possessor shall prepare and submit to the animal control authority at the time of payment of the fee required by subdivision (1) of this subsection a contingency plan to protect first responders by providing for the quick and safe recapture of the characteristically wild animal in the event of an escape.

(3) The possessor shall maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to January 1, 2010.

(4) The possessor shall present paperwork described in subdivision (3) of this subsection to an animal control or law enforcement authority upon request.

(5) The possessor shall comply with the basic standards for housing exotic animals and protecting the public under the federal Animal Welfare Act, 7 U.S.C. §§ 2131, et seq., as amended, and the regulations adopted pursuant to that act, and shall allow the animal control authority access to the animal's housing in order to ensure that the animal is properly cared for.

(6) Except as provided in subsection (c) of this section, a legally possessed characteristically wild animal shall not be traded or replaced by a person who does not have an exemption as established in G.S. 19B-2.

(7) The possessor shall notify the animal control authority, the local sheriff's department, and police department, if applicable, immediately upon

1 discovery that the characteristically wild animal has escaped. The possessor
2 of the animal shall be liable for any and all costs associated with the escape,
3 capture, and disposition of a registered animal.

4 (8) A possessor of a characteristically wild animal shall notify local law
5 enforcement and local fire departments about the types and numbers of
6 characteristically wild animals the possessor has.

7 (9) The possessor shall comply with any and all applicable federal, State, or
8 local law, rule, regulation, ordinance, permit, or other permission. Failure to
9 comply with any such law, rule, regulation, ordinance, permit, or other
10 permission constitutes a violation of this Chapter.

11 (c) A person in legal possession of a characteristically wild animal prior to January 1,
12 2010, pursuant to this section, and who complies with the provisions of this Chapter during the
13 animal's life, may replace the animal upon its death with an animal of the same species, so long
14 as the animal's death was not the result of neglect or cruelty. A person replacing an animal
15 pursuant to this subsection shall: (i) register the animal in the manner set forth in subdivision
16 (1) of subsection (a) of this section; (ii) maintain veterinary records, acquisition papers for the
17 animal, if available, or other documents or records that establish the person is in legal
18 possession of the animal, and present the paperwork to an animal control or law enforcement
19 authority upon request; and (iii) otherwise comply with the requirements of this section.

20 **"§ 19B-4. Confiscation of characteristically wild animals.**

21 (a) An animal control authority or other person authorized to enforce the provisions of
22 this Chapter may immediately confiscate a characteristically wild animal under any of the
23 following circumstances:

24 (1) The animal control authority or other person designated under this Chapter
25 has probable cause to believe that the animal was acquired or is being held in
26 contravention of this Chapter.

27 (2) The animal poses a public safety or health risk.

28 (3) The animal is in poor health and condition as a result of the action or
29 inaction of the possessor.

30 (b) A characteristically wild animal that is confiscated under this section may be
31 returned to the possessor only if the animal control authority or law enforcement officer
32 establishes that the possessor had legal possession of the animal pursuant to G.S. 19B-2 or
33 G.S. 19B-3, the return does not pose a public safety or health risk, and the animal is determined
34 not to be in poor health and condition as a result of the action or inaction of the possessor.

35 (c) The animal control authority or other persons authorized to enforce this Chapter
36 under G.S. 19B-6 shall serve notice upon the possessor in person or by regular and certified
37 mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is
38 responsible for payment of reasonable costs for caring and providing for the animal during the
39 confiscation and that the possessor must meet the requirements of subsection (b) of this section
40 in order for the animal to be returned to the possessor.

41 (d) If a characteristically wild animal that is confiscated under this section is not
42 returned to the possessor, the animal control authority or other persons designated under this
43 Chapter may release the animal to a facility such as a wildlife sanctuary or a facility exempted
44 pursuant to G.S. 19B-2.

45 (e) If a characteristically wild animal escapes or is released and poses an immediate
46 threat to public safety, the animal control authority or other persons designated under this
47 Chapter may exercise judgment in attempting to recapture the animal or in killing the animal.

48 **"§ 19B-5. City or county ordinances.**

49 A city or county may adopt an ordinance governing characteristically wild animals that is
50 more restrictive than this Chapter. However, nothing in this Chapter requires a city or county to
51 adopt an ordinance to be in compliance with this Chapter.

1 **"§ 19B-6. Enforcement of Chapter.**

2 (a) The animal control authority and its staff and agents, local law enforcement agents,
3 and county sheriffs are authorized and empowered to enforce the provisions of this Chapter.

4 (b) The possessor of a characteristically wild animal shall, at all reasonable times, allow
5 the animal control authority or other persons designated by this Chapter to enter the premises
6 where the animal is being kept to ensure compliance with this Chapter.

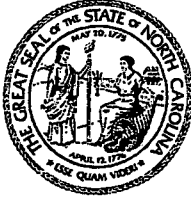
7 **"§ 19B-7. Penalties.**

8 A person who violates this Chapter is liable for a civil penalty to be determined by the
9 court.

10 **"§ 19B-8. Severability.**

11 If any part of this Chapter is determined to be unconstitutional or unenforceable, it shall not
12 affect the constitutionality or enforceability of any other part."

13 **SECTION 2.** This act becomes effective January 1, 2010, and applies to acts
14 committed on or after that date.



SENATE BILL 807: Public Safety Registration

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Finance	Date:	August 3, 2009
Introduced by:	Sen. Jones	Prepared by:	Susan Sitze*
Analysis of:	PCS to Third Edition S807-CSSA-70		Committee Counsel

SUMMARY: *Senate Bill 807 makes it unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State, a characteristically wild animal (regulated animals), except in certain circumstances. A person violating the provisions of the bill would be liable for a civil penalty to be determined by a court. The bill also authorizes animal control authorities and other law enforcement personnel to confiscate a regulated animal kept in contravention of the provisions of the act.*

The provisions of the bill become effective January 1, 2010, and apply to acts occurring on or after that date.

BILL ANALYSIS: Senate Bill 807 creates a new Chapter 19B of the General Statutes that does all of the following:

- Makes it unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State a regulated wild animal, except in certain circumstances.
 - Regulated animals: Lions, tigers, leopards, and all bears that are not native to the State.
 - Exemptions to the prohibition include: Institutions accredited by the American Zoo and Aquarium Association; certain nonprofit animal protection organizations housing a regulated animal at the written request of the animal control authority; federal or State wildlife enforcement officers; animal control or law enforcement agencies or officers; licensed veterinary hospitals or clinics; wildlife sanctuaries; universities, colleges, laboratories, or other research facilities licensed under federal law; circuses licensed under federal law that are temporarily in the State, a non-resident of the State in the State with a regulated animal for not more than 72 hours; and indigenous species regulated by the Wildlife Resources Commission. United States Department of Agriculture Class A, B, or C licensees would also be exempt provided that they: (i) register regulated animals with the appropriate animal control authority, (ii) maintain a liability insurance policy of not less than \$250,000; and (iii) prohibit direct contact between regulated animals and the public and family members with animals over the age of six months.
 - Grandfathered possession of characteristically wild animals, under certain circumstances: A person in legal possession of a regulated animal prior to January 1, 2010 may keep possession of the animal for the remainder of the animal's life, subject to the following conditions: (1) timely registration of the animal with the animal control authority and payment of a one-time fee of \$10 per regulated animal at the site; (2) preparation and submittal of a contingency plan to protect first responders if a regulated animal escapes; (3) maintenance of certain records to be presented to animal control or law enforcement authorities upon request; (4) maintenance of liability insurance of at least \$250,000 (5)

Senate Bill 807

Page 2

compliance with basic standards for housing exotic animals provided under federal law; (6) immediate notification of animal control or law enforcement authorities upon discovery that the animal has escaped; (7) the animal must not be traded or replaced; and (8) notification to local law enforcement and fire departments of the types and numbers of regulated animals kept. A person in legal possession of a regulated animal and who is in compliance with these provisions during the animal's life may replace the animal upon its death, provided that the animal's death was not the result of neglect or cruelty.

- o Confiscation of characteristically wild animals by authorities: An animal control or law enforcement authority may confiscate an animal if: (1) it has probable cause to believe that the animal was acquired or held in contravention of Chapter 19B; (2) the animal poses a public safety or health risk; or (3) the animal is in poor health and condition as a result of the owner's actions or inaction.

This section includes procedures for obtaining an order from a magistrate for the confiscation; notice of the confiscation; return of the animal based on certain findings, and if not returned then procedures for placement or euthanasia; and discretion of authorities to act in response to release or escape of a regulated animal.

- o Penalties: A person violating the provisions of the PCS would be liable for a civil penalty to be determined by a court.

EFFECTIVE DATE: This bill becomes effective January 1, 2010, and applies to acts occurring on or after that date.

**Jennifer McGinnis, staff attorney, substantially contributed to this summary.*

S807-SMSA-130(CSSA-70) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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D

SENATE BILL 807

Judiciary II Committee Substitute Adopted 6/8/09

Finance Committee Substitute Adopted 6/30/09

PROPOSED HOUSE COMMITTEE SUBSTITUTE S807-CSSA-70 [v.5]

- 8/5/2009 10:09:42 AM

Short Title: Public Safety Registration.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED
AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE
HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD
ANIMALS POSE TO THE COMMUNITY.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 19B.

"Characteristically Wild Animals.

"§ 19B-1. Definitions.

The following terms as used in this Chapter mean:

- (1) "Animal control authority" means the agency designated by the city or county to administer ordinances regulating, restricting, or prohibiting the possession of characteristically wild animals. The animal control agency may be a municipal or county animal control agency, county sheriff, or other designated agency.
- (2) "Characteristically wild animal" means one of the following types of animals of the order Carnivora, and any hybrids of these animals, unless otherwise specified:
 - a. Family Felidae – only lions, tigers, and leopards.
 - b. Family Ursidae – all bears that are not native to this State.
- (3) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any employee, agent, or representative of the entity.
- (4) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the State, acts as a custodian of, or has custody or control of, a characteristically wild animal.
- (5) "Wildlife sanctuary" means a nonprofit organization that cares for animals defined as characteristically wild animals and within whose facilities none of the following activities occur:
 - a. Activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted.

- 1 b. Commercial activity involving an animal occurs including, but not
2 limited to, the sale of or trade in animals, animal parts, animal
3 by-products, or animal offspring, or the sale of photographic
4 opportunities involving an animal, or the use of an animal for any
5 type of entertainment purpose.
6 c. Unescorted public visitations or direct contact occurs between the
7 public and an animal.
8 d. Breeding of animals.

9 **"§ 19B-2. Exemptions.**

- 10 (a) The provisions of this Chapter do not apply to:
11 (1) Institutions accredited by the American Zoo and Aquarium Association
12 (AZA).
13 (2) Duly incorporated nonprofit animal protection organizations, such as
14 humane societies and shelters, housing a characteristically wild animal at the
15 written request of the animal control authority or acting under the authority
16 of this Chapter.
17 (3) Federal or State wildlife enforcement officers acting under the scope of their
18 authority.
19 (4) Animal control or law enforcement agencies or officers acting under the
20 authority of this act.
21 (5) Veterinary hospitals, clinics, veterinarians, and persons employed at such
22 facilities under the direction of a veterinarian who are actively treating a
23 characteristically wild animal in their professional capacity as a veterinarian
24 or employee of such facility.
25 (6) Any wildlife sanctuary as defined in G.S. 19B-1(5).
26 (7) A university, college, laboratory, or other research facility holding a Class R
27 registration under the Animal Welfare Act, 7 U.S.C. §§ 2131, et seq., as
28 amended.
29 (8) Circuses that are incorporated and hold a Class C license under the Animal
30 Welfare Act, 7 U.S.C. §§ 2131, et seq., as amended, that are temporarily in
31 this State, and that offer performances by live animals, clowns, and acrobats
32 for public entertainment. Circuses do not include persons, whether or not
33 Class C licensees, who present any regulated animal to the public as part of a
34 carnival or for the purpose of (i) exhibition; or (ii) entertainment that
35 includes wrestling, a photography opportunity with a patron, or an activity in
36 which any regulated animal and a patron are in close contact with each other.
37 (9) Any person who possesses a valid United States Department of Agriculture
38 Class A, B, or C license and is in compliance with the United States
39 Department of Agriculture Animal Welfare Act regulations and standards on
40 January 1, 2010, may acquire new characteristically wild animals after that
41 date, and must do all of the following:
42 a. Register with the animal control authority as required by
43 G.S. 19B-3(b)(1) and G.S. 19B-3(c) of this Chapter, as applicable.
44 b. Maintain a liability insurance policy in an amount not less than two
45 hundred fifty thousand dollars (\$250,000) with an insurer authorized
46 or approved to write such insurance in this State that covers claims
47 for injury or damage to persons or property.
48 c. Not allow photo opportunities or direct contact between
49 characteristically wild animals and members of the public or the
50 possessor's family and friends with animals that are over the age of
51 six months. "Direct contact" means any situation in which an

individual may potentially touch or otherwise come into physical contact with a characteristically wild animal.

If a characteristically wild animal possessed pursuant to this subdivision dies of neglect or cruelty, is confiscated and not returned to the possessor pursuant to G.S. 19B-4, the possessor shall no longer be permitted to acquire new characteristically wild animals.

(10) A person who does not reside in this State and is traveling through this State with a regulated species if the transit time is not more than 72 hours and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping.

(11) Indigenous species already regulated by the North Carolina Wildlife Resources Commission.

(b) Nothing in this Chapter shall be construed to prohibit the establishment of a new zoo, provided the zoo obtains the appropriate USDA license within a reasonable period of time.

"§ 19B-3. Keeping of characteristically wild animals; conditions under which grandfathered animals may be kept.

(a) Except as otherwise provided in this Chapter, it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any means, a characteristically wild animal, including transactions conducted via the Internet.

(b) A person in legal possession of a characteristically wild animal prior to January 1, 2010, and who is the legal possessor of the animal, may keep possession of the animal for the remainder of the animal's life, subject to all of the following conditions:

(1) On or before January 1, 2010, the possessor of a characteristically wild animal shall register with the animal control authority for the city or county in which the animal is located. The registration shall include the person's name, address, telephone number, a complete inventory of each characteristically wild animal that the person possesses, a photograph or microchip number for each animal, the address for the site at which each animal is located, and the payment to the animal control authority of a one-time fee of ten dollars (\$10.00) per characteristically wild animal located at that site to cover the costs of enforcement of this Chapter. A possessor shall have a continuing obligation to promptly notify the animal control authority with jurisdiction of any material changes to the information required for registration.

(2) The possessor shall prepare and submit to the animal control authority at the time of payment of the fee required by subdivision (1) of this subsection a contingency plan to protect first responders by providing for the quick and safe recapture of the characteristically wild animal in the event of an escape.

(3) The possessor shall maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to January 1, 2010.

(4) The possessor shall present paperwork described in subdivision (3) of this subsection to an animal control or law enforcement authority upon request.

(5) The possessor shall maintain a liability insurance policy in an amount not less than two hundred fifty thousand dollars (\$250,000) with an insurer authorized or approved to write such insurance in this State that covers claims for injury or damage to persons or property and shall provide proof of insurance to an animal control or law enforcement authority upon request.

(6) The possessor shall comply with the basic standards for housing exotic animals and protecting the public under the federal Animal Welfare Act, 7 U.S.C. §§ 2131, et seq., as amended, and the regulations adopted pursuant to

1 that act, and shall allow the animal control authority access to the animal's
2 housing in order to ensure that the animal is properly cared for.

3 (7) Except as provided in subsection (c) of this section, a legally possessed
4 characteristically wild animal shall not be traded or replaced by a person
5 who does not have an exemption as established in G.S. 19B-2.

6 (8) The possessor shall notify the animal control authority, the local sheriff's
7 department, and police department, if applicable, immediately upon
8 discovery that the characteristically wild animal has escaped. The possessor
9 of the animal shall be liable for any and all costs associated with the escape,
10 capture, and disposition of a registered animal.

11 (9) A possessor of a characteristically wild animal shall notify local law
12 enforcement and local fire departments about the types and numbers of
13 characteristically wild animals the possessor has.

14 (c) A person in legal possession of a characteristically wild animal prior to January 1,
15 2010, pursuant to this section, and who complies with the provisions of this Chapter during the
16 animal's life, may replace the animal upon its death with an animal of the same species, so long
17 as the animal's death was not the result of neglect or cruelty. A person replacing an animal
18 pursuant to this subsection shall: (i) register the animal in the manner set forth in subdivision
19 (1) of subsection (a) of this section; (ii) maintain veterinary records, acquisition papers for the
20 animal, if available, or other documents or records that establish the person is in legal
21 possession of the animal, and present the paperwork to an animal control or law enforcement
22 authority upon request; and (iii) otherwise comply with the requirements of this section.

23 **"§ 19B-4. Confiscation of characteristically wild animals.**

24 (a) An animal control authority or other person authorized to enforce the provisions of
25 this Chapter may immediately confiscate a characteristically wild animal under any of the
26 following circumstances:

27 (1) The animal control authority or other person designated under this Chapter
28 has probable cause to believe that the animal was acquired or is being held in
29 contravention of this Chapter.

30 (2) The animal poses a public safety or health risk.

31 (3) The animal is in poor health and condition as a result of the action or
32 inaction of the possessor.

33 (b) In order to confiscate a characteristically wild animal based upon any of the
34 circumstances set forth in subsection (a) of this section, an animal control authority or other
35 person authorized to enforce the provisions of this Chapter shall file a sworn complaint with a
36 magistrate requesting an order allowing confiscation of the animal or animals. The magistrate
37 shall issue the order only when the magistrate finds probable cause to believe that any of the
38 circumstances set forth in subsection (a) of this section exist. Any magistrate's order issued
39 under this section shall be valid for only 72 hours after its issuance. After the magistrate
40 executes the order, the animal control authority or other authorized person shall return the order
41 with a written inventory of the animals seized to the clerk of court in the county where the
42 order was issued.

43 (c) The animal control authority or other persons authorized to enforce this Chapter
44 under G.S. 19B-6 shall serve notice upon the possessor in person or by regular and certified
45 mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is
46 responsible for payment of reasonable costs for caring and providing for the animal during the
47 confiscation and that the possessor must meet the requirements of subsection (b) of this section
48 in order for the animal to be returned to the possessor.

49 (d) A characteristically wild animal that is confiscated under this section may be
50 returned to the possessor only if the animal control authority or law enforcement officer
51 establishes that the possessor had legal possession of the animal pursuant to G.S. 19B-2 or

1 G.S. 19B-3, the return does not pose a public safety or health risk, and the animal is determined
2 not to be in poor health and condition as a result of the action or inaction of the possessor.

3 (e) If a characteristically wild animal that is confiscated under this section is not
4 returned to the possessor, the animal control authority or other persons designated under this
5 Chapter may release the animal to a facility such as a wildlife sanctuary or a facility exempted
6 pursuant to G.S. 19B-2.

7 (f) If a characteristically wild animal escapes or is released and poses an immediate
8 threat to public safety, the animal control authority or other persons designated under this
9 Chapter may exercise judgment in attempting to recapture the animal or in killing the animal.

10 **"§ 19B-5. City or county ordinances.**

11 A city or county may adopt an ordinance governing characteristically wild animals that is
12 more restrictive than this Chapter. However, nothing in this Chapter requires a city or county to
13 adopt an ordinance to be in compliance with this Chapter.

14 **"§ 19B-6. Enforcement of Chapter.**

15 (a) The animal control authority and its staff and agents, local law enforcement agents,
16 and county sheriffs are authorized and empowered to enforce the provisions of this Chapter.

17 (b) The possessor of a characteristically wild animal shall, at all reasonable times, allow
18 the animal control authority or other persons designated by this Chapter to enter the premises
19 where the animal is being kept to ensure compliance with this Chapter.

20 **"§ 19B-7. Penalties.**

21 A person who violates this Chapter is liable for a civil penalty to be determined by the
22 court.

23 **"§ 19B-8. Severability.**

24 If any part of this Chapter is determined to be unconstitutional or unenforceable, it shall not
25 affect the constitutionality or enforceability of any other part."

26 **SECTION 2.** This act becomes effective January 1, 2010, and applies to acts
27 committed on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

Attachment Vlt

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 807

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Wray
Sen.)

1 moves to amend the bill on page 2, line 42-43

2 () WHICH CHANGES THE TITLE

3 by _____

4 "Register with the animal control
5 authority ~~as required by~~ for the city
6 or county in which the animal is
7 located. The registration shall include
8 the person's name, address telephone
9 number, a complete inventory
10 of each characteristically wild
11 animal that the person possesses,
12 a photograph or microchip
13 number for each animal, ~~and~~ the
14 address for the site at which
15 each animal is located, ~~and the~~
16 ~~the~~

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ROLL CALL VOTE

$$\frac{6}{\text{YES}} \quad \frac{7}{\text{NO}} = \underline{\hspace{1cm}} (\text{TOTAL})$$

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON WILDLIFE RESOURCES

House Subcommittee on

[illegible]



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

**Wednesday, June 9, 2010
Room 415 LOB
12:00 Noon**

The House Committee on Wildlife Resources met at 12:00 noon in Room 415 of the Legislative Office Building on Wednesday, June 9, 2010.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, Roger West, Fred Steen and Michael Wray, Vice-Chairs; and Representatives William Brisson, Nelson Cole, Jim Gulley, Frank Iler, Jimmy Love, Marian McLawhorn, and Tim Spear. Staff Members Barbara Riley and Susan Sitze were also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and a visitor registration sheet (Attachments II and III). Note: A sign up sheet for people wanting to speak for bill was not included as no one signed sheet requesting to speak.

Representative Arthur Williams, presiding, called the meeting to order at 12:03 p.m. and welcomed the visitors. Chair Williams recognized the Sgt.-in-Arms: Dusty Rhodes, Bill Bass and Bob Rossi; and pages: Sarah Teel from Lee County sponsored by Rep. Edith Warren, Rebecca Love from Lee County sponsored by Rep. Jimmy Love; Zach Maag from Buncombe County sponsored by Rep. Susan Fisher, and Meredith Love from Lee County sponsored by Rep. Jimmy Love. (Attachment IV, Sgt-in-Arms/Page List)

The first bill on the agenda was HB1696 Watauga/Sunday Bow Hunting Exemption, an act to authorize Watauga County to conduct a referendum to opt out of Sunday bow hunting sponsored by Rep. Tarleton. (Attachments V and VI, bill and analysis) Chair Williams called upon Rep. Tarleton to explain his bill.

Rep. Tarleton explained that the bill was requested by resolution from the Watauga County Board of Commissioners after a public hearing and only applied to Watauga County. The bill provides that if bow hunting is authorized pursuant to the North Carolina Wildlife Resources Commission rule making authority, then the Watauga County Board of Commissioners may direct the board of elections to hold a referendum on whether Sunday bow hunting will be allowed in Watauga County. The direction to the board of elections shall be by resolution no later than August 15, 2010 and the election shall be held at the time of the next general election in November, 2010. If a majority of the qualified voters of the county vote in the affirmative, then the statute or rule authorizing bow hunting on Sundays shall not apply to Watauga County.

Rep. Cleveland made motion for a favorable report for HB 1696. Motion carried. (Attachment VII, Committee Report)

Next bill was HB1824, Coyote Controls, an act to provide an additional method of trapping coyotes and to increase the availability of depredation permits for coyotes to livestock and

poultry owners as recommended by the House Select Committee on Coyote Nuisance Removal. The bill was sponsored by Reps. Faison and Williams. (Attachment VIII)

Since Chair Williams was a bill sponsor, he turned the chair over to Rep. Wray.

There was a PCS for the bill. Rep. Cleveland made motion to move that the PCS for HB1824 come before the committee for discussion purposes. Motion was adopted. (Attachments IX and X), PCS and analysis)

Chair Wray called upon Rep. Faison to explain the bill. Rep. Faison stated that the bill came out a study by the Select House Committee on Coyote Nuisance Removal because of concerns from farmers that coyotes were killing their livestock.

Rep. Cleveland made motion for a favorable report as to the Committee Substitute Bill, unfavorable as to the original bill, and recommendation that the Committee Substitute Bill be referred to the committee on Agriculture. Motion carried. (Attachment XI, Committee Report)

Chair Wray turned the chair back over to Rep. Williams.

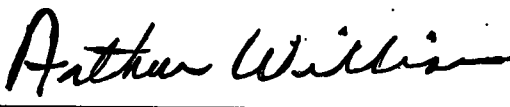
The next bill was HB1893 Winston-Salem Fox Hunting, an act to establish a season for taking foxes by trapping with cages in Winston-Salem. (Attachment XII) This bill was sponsored by Reps. Womble and Parmon. Rep. Womble was called to explain his bill.

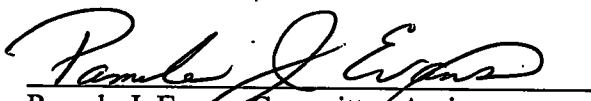
There was a PCS to the bill. Rep. Spears made motion to move that the PCS for HB1893 come before the committee for discussion purposes. Motion was adopted. (Attachments XIII and XIV, PCS and analysis)

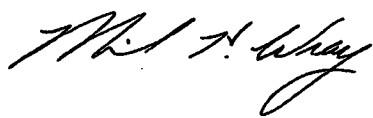
Rep. Womble explained that his bill would provide for an open season in Winston-Salem for the taking of foxes by trapping with cages only during the trapping season set by the Wildlife Resources Committee each year. There are no tagging requirements before or after the sale of foxes taken and no season bag limit. The bill was for Winston-Salem only and there was no opposition.

Rep. Spears moved for a favorable report as to the House Committee Substitute Bill, which changes the title, unfavorable as to the original bill and recommendation that the Committee Substitute Bill be re-referred to the Committee on Local Government I. Motion carried. (Attachment XV, Committee Report)

Chair Williams adjourned meeting at 12:13 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant


Representative Michael Wray, Chair

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Wednesday June 9, 2010

Room 415 LOB

12:00 Noon

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

HB 1696	Watauga/Sunday Bow Hunting Exemption	Representative Tarleton
HB 1824	Coyote Controls.	Representative Williams, III Representative Faison
HB 1893	Winston-Salem Fox Hunting.	Representative Womble Representative Parmon

ADJOURNMENT

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

June 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

~~Jerry Sawyer~~	Wildlife Professionals NC INC
Joe McClees	McClees Consult
Perry Huff	School of Gov.
Debra S. Allen	McClees Consult
Debra Sawyer	" "
David Cobb	NC Wildlife Res Comm.
Pete Warner	N.C. Spawning Ground
Tommy Darr	N.C. Spawning Ground Assoc.

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

June 9, 2010

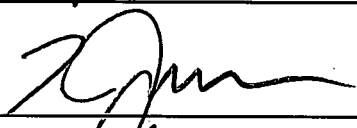
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

DICK HAMILTON	NCWF
GORDON MYERS	NCWRC
	NEBA
STENRI MCCLES	McCles Consulting
Rev. MARK CREECH	CAL
BRYAN BLINSON	NC Cattlemen's Assn.
TERRY HADESH	LI

415
733-5906
637 L05HOUSE PAGESWILDLIFE
NAME OF COMMITTEE _____ DATE 6-9-101. Name: Sarah TeelCounty: LeeSponsor: Warren2. Name: Rebecca LoveCounty: LeeSponsor: LOVP3. Name: Zach MaagCounty: BuncombeSponsor: Susan Fisher4. Name: Meredith LoveCounty: LeeSponsor: LOVC

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM1. Name: Dusty Rhodes2. Name: Bill Bass3. Name: Bob Rossi

4. Name: _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1696
Committee Substitute Favorable 5/27/10

Short Title: Watauga/Sunday Bow Hunting Exemption.

(Local)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE WATAUGA COUNTY TO CONDUCT A REFERENDUM TO
OPT OUT OF SUNDAY BOW HUNTING.

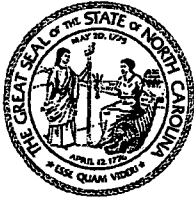
The General Assembly of North Carolina enacts:

SECTION 1. If State law, by statute or rule, authorizes bow hunting on Sunday, then the board of commissioners of Watauga County may direct by resolution on or before August 15, 2010, the Watauga County Board of Elections to conduct an election on the date of the general election in November 2010 for the purpose of submission to the qualified voters of the county the question of whether Watauga County shall be exempted from allowing bow hunting on Sunday. If a majority of the qualified voters of the county vote in the affirmative, then the statute or rule authorizing bow hunting on Sundays shall not apply in Watauga County.

SECTION 2. This act applies only to Watauga County.

SECTION 3. This act is effective when it becomes law.





HOUSE BILL 1696: Watauga/Sunday Bow Hunting Exemption

2009-2010 General Assembly

Committee:	House Wildlife Resources	Date:	June 8, 2010
Introduced by:	Rep. Tarleton	Prepared by:	Susan Sitze*
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 1696 provides that if Sunday bow hunting is permitted by statute or rule, the Watauga County Board of Commissioners may direct the board of elections to hold a referendum on whether Sunday bow hunting will be allowed in Watauga County. The direction to the board of elections shall be by resolution not later than August 15, 2010 and the election shall be held at the time of the next general election in November 2010.

CURRENT LAW: Pursuant to its rule making authority, the North Carolina Wildlife Resources Commission has amended rule 15A NCAC 10B .0201 to permit bow hunting (and falconry hunting) on Sundays on private lands. (Falconry hunting will also be allowed on public lands.) See rule below.

HB 1930 has been filed to disapprove the rule change described above. It is currently in House Rules, Calendar, and Operations of the House.

Firearms hunting on Sundays is prohibited by G.S. 103-2.

BILL ANALYSIS: As described in the Summary section above. If the referendum is approved, Watauga County will be exempt from any statute or rule allowing Sunday bow hunting.

EFFECTIVE DATE: Effective when it becomes law and applicable only to Watauga County.

15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE

(a) It is unlawful for any person to take, or have in possession, any wild animal or wild bird listed in this Section except during the open seasons and in accordance with the limits herein prescribed, or as prescribed by 15A NCAC 10B .0300 pertaining to trapping or 15A NCAC 10D applicable to game lands managed by the Wildlife Resources Commission, unless otherwise specifically permitted by law. Lawful seasons and bag limits for each species apply beginning with the first day of the listed season and continue through the last day of the listed season, with all dates being included. When any hunting season ends on a January 1 that falls on a Sunday, that season is extended to Monday, January 2.

(b) On Sundays, hunting on private lands is allowed with the following restrictions:

- (1) Only archery equipment as described in 15A NCAC 10B .0116 and falconry are lawful methods of take; and
- (2) Migratory game birds may not be taken on Sundays.

(c) On Sundays, hunting on public lands is allowed with the following restrictions:

- (1) Only falconry is a lawful method of take; and
- (2) Migratory game birds may not be taken on Sundays.

These restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.

(d) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set

House Bill 1696

Page 2

under this Section, may be taken during the hours and methods authorized for taking game animals.
Note: Where local laws govern hunting, or are in conflict with these regulations, the local law shall prevail.

*History Note: Authority G.S. 103-2; 113-291.1(a); 113-134; 113-291.2; 113-291.3;
Eff. February 1, 1976;
Amended Eff. July 1, 1996; July 1, 1987;
Amended Eff. Pending Legislative Review.*

**Steve Rose, Staff Attorney substantially contributed to this summary.*

H1696-SMSA-143(e2) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute for

HB 1696

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA COUNTY TO CONDUCT A REFERENDUM TO OPT OUT OF SUNDAY BOW HUNTING.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1824
PROPOSED COMMITTEE SUBSTITUTE H1824-CSSA-73 [v.1]

6/8/2010 11:02:14 AM

Short Title: Coyote Controls.

(Public)

Sponsors:

Referred to:

May 19, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO
3 INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO
4 LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE
5 SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 113-291.6 is amended by adding a new subsection to read:

8 "(h) A person who has been issued a depredation permit for coyotes under
9 G.S. 113-274(c) may use a Collarum™ trap, or similar trap approved by the Wildlife Resources
10 Commission, solely for the purpose of taking coyotes under that permit. The person authorized
11 to use these traps under the depredation permit shall be required to provide to the Wildlife
12 Resources Commission information related to the effectiveness and efficiency of the trap in
13 accordance with rules adopted by the Wildlife Resources Commission. To minimize the risk of
14 harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal
15 caught released."

16 SECTION 2. G.S. 113-274(c)(1a) reads as rewritten:

17 "(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal,
18 transplanting, or driving away of undesirable, harmful, predatory, excess, or
19 surplus wildlife or wildlife resources. Livestock or poultry owners shall be
20 issued a depredation permit for coyotes upon request. The permit must state
21 the manner of taking and the disposition of wildlife or wildlife resources
22 authorized or required and the time for which the permit is valid, plus other
23 restrictions that may be administratively imposed in accordance with rules of
24 the Wildlife Resources Commission: No depredation permit or any license is
25 needed for the owner or lessee of property to take wildlife while committing
26 depredations upon the property. The Wildlife Resources Commission may
27 regulate the manner of taking and the disposition of wildlife taken without
28 permit or license, including wildlife killed accidentally by motor vehicle or
29 in any other manner."

30 SECTION 3. The Wildlife Resources Commission shall adopt rules to implement
31 the provisions of Section 1 of this act on or before December 1, 2010.

32 SECTION 4. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1824

Short Title: Coyote Controls.

(Public)

Sponsors: Representatives Williams, Faison (Primary Sponsors); Dockham, Gulley, Hughes, Langdon, Lucas, and McCormick.

Referred to: Wildlife Resources, if favorable, Agriculture.

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-291.6 is amended by adding a new subsection to read:

"(h) A person who has been issued a depredation permit for coyotes under G.S. 113-274(c) may use a Collarum™ trap, or similar trap approved by the Wildlife Resources Commission, solely for the purpose of taking coyotes under that permit. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released."

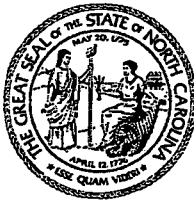
SECTION 2. G.S. 113-274(c)(1a) reads as rewritten:

"(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other manner."

SECTION 3. The Wildlife Resources Commission shall adopt rules to implement the provisions of Section 1 of this act on or before December 1, 2010.

SECTION 4. This act is effective when it becomes law.





HOUSE BILL 1824: Coyote Controls

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Agriculture	Date:	June 8, 2010
Introduced by:	Reps. Williams, Faison	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H1824-CSSA-73		Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 1824 provides an additional method of trapping coyotes and increases the availability of depredation permits for coyotes to livestock and poultry owners.*

BILL ANALYSIS: Section 1 of the PCS authorizes a person who has been issued a depredation permit for coyotes to use a Collarum™ trap, or similar trap approved by the Wildlife Resources commission, solely for the purpose of taking coyotes under that permit. The person authorized to use these traps under the depredation permit shall be required to provide to the Wildlife Resources Commission information related to the effectiveness and efficiency of the trap in accordance with rules adopted by the Wildlife Resources Commission. To minimize the risk of harm to nontargeted species, any such trap set shall be attended daily and any nontarget animal caught released.

Section 2 of the PCS requires that livestock and poultry owners be issued a depredation permit for coyotes upon request.

Section 3 of the PCS requires the Wildlife Resources Commission to adopt rules to implement the provisions of Section 1 on or before December 1, 2010.

EFFECTIVE DATE: This act is effective when it becomes law.

H1824-SMSA-141(CSSA-73) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 1824 A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL METHOD OF TRAPPING COYOTES AND TO INCREASE THE AVAILABILITY OF DEPREDATION PERMITS FOR COYOTES TO LIVESTOCK AND POULTRY OWNERS AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COYOTE NUISANCE REMOVAL.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on AGRICULTURE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1893

Short Title: Winston-Salem Fox Hunting. (Local)

Sponsors: Representatives Womble, Parmon (Primary Sponsors); Brown, Dockham, Hughes, and McGee.

Referred to: Wildlife Resources, if favorable, Local Government I.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN WINSTON-SALEM.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.

SECTION 2. No bag limit applies to foxes taken under this act.

SECTION 3. This act applies only to Winston-Salem.

SECTION 4. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1893
PROPOSED COMMITTEE SUBSTITUTE H1893-CSLL-59 [v.1]

Short Title: Winston-Salem Fox Hunting. (Local)

Sponsors:

Referred to:

May 20, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES BY TRAPPING WITH
3 CAGES IN WINSTON-SALEM.

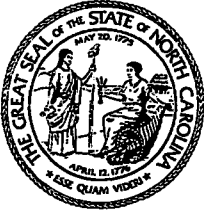
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Notwithstanding any other provision of law, there is an open season
6 for taking foxes by trapping with cages only during the trapping season set by the Wildlife
7 Resources Commission each year, with no tagging requirements prior to or after sale.

8 SECTION 2. No bag limit applies to foxes taken under this act.

9 SECTION 3. This act applies only to Winston-Salem.

10 SECTION 4. This act is effective when it becomes law.



HOUSE BILL 1893: Winston-Salem Fox Hunting

2009-2010 General Assembly

Committee:	House Wildlife Resources, if favorable, Local Government I	Date:	June 8, 2010
Introduced by:	Reps. Womble, Parmon	Prepared by:	Barbara Riley
Analysis of:	PCS to First Edition H1893-CSLL-59		Committee Counsel

SUMMARY: *The proposed committee substitute for House Bill 1893 would provide for a season in the City of Winston-Salem for the taking of foxes by trapping with cages.*

CURRENT LAW: G.S. 113-291.4 provides for regulation of the taking of foxes in North Carolina. It provides for the taking of foxes by dogs at anytime except during the closed season and allows for the limited taking of foxes using firearms. *See Also*, G.S. 113-291.4A. The law also directs the WRC to study the fox population and, if the population of foxes is adequate, to provide for an open season for taking foxes by trapping upon the passage of local legislation.

At least 39 counties, or parts thereof, have local laws providing for the trapping of foxes.

BILL ANALYSIS: The proposed committee substitute for House Bill 1893 would provide for an open season in Winston-Salem for the taking of foxes by trapping with cages only during the trapping season set by the WRC each year. There are no tagging requirements before or after the sale of foxes taken and no season bag limit.

The original bill also provided for the taking of foxes in the City with weapons.

EFFECTIVE DATE: The act is effective when it becomes law.

H1893-SMRF-173(CSLL-59) v2

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☐ Committee Substitute for

HB 1893

A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON
FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN WINSTON-SALEM.

☒ With a favorable report as to the House committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the House committee substitute bill
be re-referred to the Committee on LOCAL GOVERNMENT I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Wednesday, July 7, 2010

Room 415 LOB

12:00 Noon

The House Committee on Wildlife Resources met at 12:00 noon in Room 415 of the Legislative Office Building on Wednesday, July 7, 2010.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland, and Michael Wray, Vice-Chairs; and Representatives Nelson Cole, Jim Gulley, Jimmy Love, Marian McLawhorn, Johnathan Rhyne, and Tim Spear. Staff Member Barbara Riley was also present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda and a visitor registration sheet (Attachments II and III). Note: A sign up sheet for people wanting to speak for bill was not included as no one signed sheet requesting to speak.

Representative Arthur Williams, presiding, called the meeting to order at 12:01 p.m. and welcomed the visitors. Chair Williams recognized the Sgt.-in-Arms: Young Bae and Trey Raley; and pages: Andrew Barber from Wake County sponsored by Rep. Ray Rapp, Miguel Valdey from Edgecombe County sponsored by Rep. Jean Farmer-Butterfield, Alazzia Hasty from Northampton County sponsored by Speaker Hackney, Tyler Griffin from Union County sponsored by Rep. Pryor Gibson. (Attachment IV, Sgt-in-Arms/Page List)

On the agenda was HB617 Disabled Sportsmen/ATV Exception, an act to allow all-terrain vehicles to be used by disabled sportsmen to cross public roadways. (Attachments V and VI, bill and analysis) Chair Williams called upon Rep. Insko to explain the bill.

Rep. Insko explained that the use of ATV's on public roads is controlled by statute. This act would allow person's who are qualified as disabled sportsmen to cross a public road. No travel along the road would be allowed.

Rep. Cole made motion for recommendation that the House concur. Motion carried. (Attachment VII, Committee Report)

Chair Williams adjourned meeting at 12:05 p.m.


Representative Arthur Williams, Chair


Pamela J. Evans, Committee Assistant

DATES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

**Wednesday July 7, 2010
Room 415 LOB
12:00 Noon**

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

HB 617	Disabled Sportsmen/ATV Exception	Representative Allen Representative Insko

ADJOURNMENT

John Locke

VISITOR REGISTRATION SHEET

House Wildlife Resources Committee

Name of Committee

July 7, 2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**[illegible]

HOUSE PAGESNAME OF COMMITTEE Wildlife Resources DATE 7/7/10 Rm 4151. Name: Andrew BarberCounty: WakeSponsor: Rapp2. Name: Miguel ValdezCounty: EdgecombeSponsor: Butterfield3. Name: Abzida HastuCounty: NorthamptonSponsor: Hackney4. Name: Tyler GriffinCounty: VinonSponsor: Gibson

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM1. Name: Young Bae2. Name: Trey Raley

3. Name: _____

4. Name: _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

4

HOUSE BILL 617
Committee Substitute Favorable 5/11/09
Committee Substitute #2 Favorable 5/13/09
Senate State and Local Government Committee Substitute Adopted 6/29/10

Short Title: Disabled Sportsmen/ATV Exception.

(Public)

Sponsors:

Referred to:

March 17, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL-TERRAIN VEHICLES TO BE USED BY DISABLED
SPORTSMEN TO CROSS PUBLIC ROADWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 10C of Article 3 of Chapter 20 of the General Statutes is
amended by adding a new section to read:

"§ 20-171.26. Motorized all-terrain vehicle use by disabled sportsmen.

(a) Persons qualified under the Disabled Sportsmen Program, pursuant to G.S. 113-296,
are authorized to transverse public roadways using an all-terrain vehicle while engaging in
licensed hunting or fishing activities. Use of the all-terrain vehicle shall be limited to driving
across the roadway, in a perpendicular fashion, without travel in either direction along the
roadway.

(b) This Part and all other State laws governing the operation of all-terrain vehicles
apply to the operation of all-terrain vehicles authorized by this section.

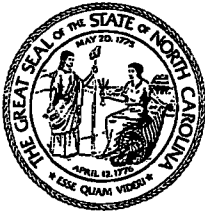
(c) An all-terrain vehicle operated pursuant to this section shall be equipped with
operable front and rear lights and a horn.

(d) A person operating an all-terrain vehicle pursuant to this section shall observe
posted speed limits and shall not exceed the manufacturer's recommended speed for the vehicle.

(e) A person operating an all-terrain vehicle pursuant to this section shall carry
evidence of membership in the Disabled Sportsmen Program and the appropriate license to
engage in the hunting or fishing activity."

SECTION 2. This act is effective when it becomes law.





HOUSE BILL 617: Disabled Sportsmen/ATV Exception

2009-2010 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Allen
Analysis of: Fourth Edition

Date: July 6, 2010
Prepared by: Barbara Riley
 Committee Counsel

SUMMARY: *This act would allow Disabled Sportsmen to cross a public roadway when engaged in licensed sporting activities. This act is effective when it becomes law.*

BILL ANALYSIS: The use of ATV's on public roads is controlled by statute. This act would allow person's who are qualified as Disabled Sportsmen to cross a public road—no travel along the road would be allowed.

- The ATV must have operable front and rear lights, and a horn.
- All State laws regulating operation of ATV are applicable.
- The person must have evidence of membership in the Program, and a license to engage in the sporting activity.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The Wildlife Commission is authorized to conduct activities for person qualified as Disabled Sportsmen. In order to be eligible for participation in the Disabled Sportsman Program, an individual must be a holder of a Resident Disabled Veteran or Resident Totally Disabled license or must be able to certify through competent medical evidence one of the following disabilities:

- (1) Missing fifty percent (50%) or more of one or more limbs, whether by amputation or natural causes.
- (2) Paralysis of one or more limbs.
- (3) Dysfunction of one or more limbs rendering the individual unable to perform the tasks of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane.
- (4) Disease, injury, or defect confining the individual to a wheelchair, walker, or crutches.
- (5) Legal deafness.
- (6) Legal blindness, for purposes of participation in disabled fishing only.

The disability must be permanent, and an individual loses eligibility to participate in the Disabled Sportsman Program when the specified disability ceases to exist.

Hal Pell, counsel to Senate State and Local Government, substantially contributed to this summary.

H617-SMRF-183(e4) v1

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

☒ Committee Substitute # 3 for

HB 617 A BILL TO BE ENTITLED AN ACT TO ALLOW ALL-TERRAIN VEHICLES
TO BE USED BY DISABLED SPORTSMEN TO CROSS PUBLIC ROADWAYS.

☒ With recommendation that the House concur.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.



HOUSE COMMITTEE ON WILDLIFE RESOURCES MINUTES

Thursday, July 8, 2010

Room 415 LOB

10:30 a.m.

The House Committee on Wildlife Resources met at 10:30 a.m. in Room 415 of the Legislative Office Building on Thursday, July 8, 2010.

The following members were in attendance: Representative Arthur Williams, Chair; Representatives George Cleveland; and Representatives William Brisson, Jim Gulley, Frank Iler, Dan Ingle, Marian McLawhorn, Johnathan Rhyne, and Tim Spear. No staff members were present. A copy of the roll denoting members present is attached to the minutes (Attachment I) along with a copy of the agenda, and a visitor registration sheet (Attachments II and III). Note: A sign up sheet for people wanting to speak for bill was not included as no one signed sheet requesting to speak.

Representative Arthur Williams, presiding, called the meeting to order at 10:30 a.m. and welcomed the visitors. Chair Williams recognized the Sgt.-in-Arms: John Brandon and Fred Hines. No pages were present. (Attachment IV, Sgt-in-Arms List)

On the agenda was HB1893 W-S/Ashe Fox Trapping/Greene Hunting, an act to establish a season for taking foxes by trapping with cage trapping and sale of foxes in Ashe County and to remove the sunset on that law; and to repeal and amend certain local acts with respect to hunting in Greene County. (Attachment V, bill) Chair Williams called upon Representative Cullie Tarleton to explain the second portion of the bill which was added by Senate. Section 1 was originally passed by Wildlife Resources Committee at its June 9, 2010 meeting.

Rep. Tarleton explained the language in Section 2 was requested by Ashe County to amend the law authorizing the trapping and sale of foxes in Ashe County and to delete the sunset provision in the law, which was set to expire September 30, 2010. These changes applied only to Ashe County. The Wildlife Commission had no objection to changes.

Chair Williams then called on Senator Davis. Senator Davis explained that the last portion (Section 3) of the bill was requested by Greene County. This section amended the provisions regarding regulating hunting in Greene County to conform the statutes and local laws. The Wildlife Commission had no objection to changes.

Rep. McLawhorn made motion that the House concur for Senate Committee Substitute for HB1893. Motion carried. (Attachment VI, Committee Report)

Chair Williams adjourned meeting at 10:38 a.m.



Representative Arthur Williams, Chair



Pamela J. Evans, Committee Assistant

ATTENDANCE

WILDLIFE RESOURCES

[illegible]

AGENDA

HOUSE COMMITTEE ON WILDLIFE RESOURCES

Thursday July 8, 2010

Room 415 LOB

10:30 a.m.

OPENING REMARKS

**Representative Arthur Williams, Chairman
Wildlife Resources Committee**

AGENDA ITEMS

HB 1893 W-S/Ashe Trapping/Greene Hunting Senator Davis

ADJOURNMENT

[illegible]

HOUSE PAGES

NAME OF COMMITTEE WILDLIFE DATE 7-8-2010

1. Name: _____

County: _____

Sponsor: _____

2. Name: _____

County: _____

Sponsor: _____

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: JOHN BRANDON

2. Name: FRED HINES

3. Name: _____

4. Name: _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

3

HOUSE BILL 1893
Committee Substitute Favorable 6/9/10
Senate State and Local Government Committee Substitute Adopted 7/7/10

Short Title: W-S/Ashe Fox Trapping/Greene Hunting.

(Local)

Sponsors:

Referred to:

May 20, 2010

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES BY TRAPPING WITH CAGE
3 TRAPS IN WINSTON-SALEM; TO AMEND THE LAW AUTHORIZING THE
4 TRAPPING AND SALE OF FOXES IN ASHE COUNTY AND TO REMOVE THE
5 SUNSET ON THAT LAW; AND TO REPEAL AND AMEND CERTAIN LOCAL ACTS
6 WITH RESPECT TO HUNTING IN GREENE COUNTY.
7 The General Assembly of North Carolina enacts:
8 **SECTION 1.(a)** Notwithstanding any other provision of law, there is an open
9 season for taking foxes by trapping with cage traps only during the trapping season set by the
10 Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.
11 **SECTION 1.(b)** No bag limit applies to foxes taken under this act.
12 **SECTION 1.(c)** This section applies only to Winston-Salem.
13 **SECTION 2.** S.L. 2007-51 reads as rewritten:
14 "SECTION 1. Notwithstanding any other provision of law, there is an open season for
15 taking foxes by trapping from ~~November 7~~ November 1 through ~~February 12~~ February 28 of
16 each year. ~~During this season, all leghold traps set on dry land with solid anchor shall have at~~
17 ~~least three swivels in the trap chain, and no leghold traps larger than size one and one-half may~~
18 ~~be used.~~
19 "SECTION 2. A season bag limit of 10 applies in the aggregate to all foxes taken during
20 the trapping season established in this act.
21 "SECTION 3. The Wildlife Resources Commission shall provide for the sale of foxes
22 taken lawfully pursuant to this act and pursuant to former G.S. 113-111, as retained to the
23 extent of its application to Ashe County pursuant to G.S. 113-133.1(e).
24 "SECTION 4. This act applies only to Ashe County.
25 "SECTION 5. This act becomes effective ~~October 1, 2007, and expires on September 30,~~
26 ~~2010.~~ October 1, 2007.
27 **SECTION 3.(a)** Section 3 of S.L. 1975-219 and Section 1 of S.L. 1987-132 are
28 repealed.
29 **SECTION 3.(b)** Section 4 of S.L. 1985-471 reads as rewritten:
30 "Sec. 4. This act applies only to ~~Greene and Nash Counties.~~ County.
31 **SECTION 4.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Williams (Chair) for the Committee on WILDLIFE RESOURCES.

Senate

☒ Committee Substitute for

HB 1893

A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES BY TRAPPING WITH CAGE TRAPS IN WINSTON-SALEM; TO AMEND THE LAW AUTHORIZING THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY AND TO REMOVE THE SUNSET ON THAT LAW; AND TO REPEAL AND AMEND CERTAIN LOCAL ACTS WITH RESPECT TO HUNTING IN GREENE COUNTY.

☒ With recommendation that the House concur.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.