

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1126

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/5/05

Short Title: Amend Fishing License Requirements-2.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-174 reads as rewritten:

**"§ 113-174. Definitions.**

As used in this Article:

(1) ~~"Commission" means the Marine Fisheries Commission.~~

(1a) "CRFL" means Coastal Recreational Fishing License.

(2) "Division" means the Division of Marine Fisheries in the Department of Environment and Natural Resources.

(2a) "For Hire Boat" means a charter boat, head boat, dive boat, or other boat hired to allow individuals to engage in recreational fishing.

(3) "North Carolina resident" means an individual who is a resident within the meaning of G.S. 113-130(4).

(4) "Recreational fishing" means any activity preparatory to, during, or subsequent to the taking of any ~~fish,~~finfish, the taking of which is subject to regulation by the Marine Fisheries Commission, by any ~~means;~~means if the purpose of the taking is to obtain finfish that are not to be sold. "Recreational fishing" does not include the taking of finfish:

a. ~~That does not constitute a~~ By a commercial fishing operation as defined in G.S. 113-168.

b. ~~Except as provided in~~ For scientific purposes pursuant to G.S. 113-261.

c. Under a RCGL issued pursuant to G.S. 113-173.

1           (5) "SFL" means Saltwater Fishing License."

2           **SECTION 2.** G.S. 113-174.1 reads as rewritten:

3   "**§ 113-174.1. General License required; general provisions governing licenses.**

4       (a) License Purchase Required to Engage in Recreational Fishing. – It is  
5 unlawful for any individual to engage in recreational fishing ~~in coastal in:~~

6           (1) Coastal fishing waters that are not joint fishing waters without having  
7 purchased holding a current license required by this Article. issued  
8 under this Article or under Article 25A of this Chapter that authorizes  
9 the individual to engage in recreational fishing in coastal fishing  
10 waters.

11          (2) Joint fishing waters without holding a current license issued under this  
12 Article or under Article 21 or Article 25A of this Chapter that  
13 authorizes the individual to engage in recreational fishing in joint  
14 fishing waters.

15          (a1) It is unlawful for any individual to engage in recreational fishing without  
16 complying with the provisions of this Article and rules adopted by the Commission  
17 under this Article. applicable requirements of this Article and Articles 21 and 25A of this  
18 Chapter and with applicable rules adopted by the Marine Fisheries Commission and the  
19 Wildlife Resources Commission.

20          (a2) The fourth day of July of each year is declared a free fishing day to promote  
21 the sport of fishing and no license issued under this Article or Article 25A of this  
22 Chapter is required to fish in any of the public waters of the State on that day. All other  
23 laws and rules pertaining to recreational fishing still apply.

24          (b) Sale of Fish Prohibited. – A license issued under this Article or Article 25A  
25 of this Chapter does not authorize an individual who takes or lands any species of fish  
26 under the authority of the Marine Fisheries Commission to sell, offer for sale, barter, or  
27 exchange the fish for anything of value. Except as provided in G.S. 113-168.4, it is  
28 unlawful for any individual who takes or lands any species of fish under the authority of  
29 the Marine Fisheries Commission by any means to sell, offer for sale, barter, or  
30 exchange these fish for anything of value.

31          (c) Assignment and Transfer Prohibited. – It is unlawful to buy, sell, lend,  
32 borrow, assign, or otherwise transfer a license issued under this Article or Article 25A  
33 of this Chapter or to attempt to buy, sell, lend, borrow, assign, or otherwise transfer a  
34 license issued under this Article. Article or Article 25A of this Chapter.

35          (d) ~~General Enforcement.~~ — ~~It is unlawful for any individual to engage in~~  
36 ~~recreational fishing in coastal fishing waters in the State without providing the~~  
37 ~~individual's name and residence address upon the request of an inspector or other law~~  
38 ~~enforcement officer authorized to enforce federal or State laws, regulations, or rules~~  
39 ~~relating to marine fisheries.~~

40          (e) ~~Enforcement for Charterboats and Headboats.~~ — ~~An inspector or other law~~  
41 ~~enforcement officer may only verify the licensure of an individual fishing from a~~  
42 ~~charterboat or headboat after the charterboat or headboat has returned to shore and the~~  
43 ~~individual has disembarked from the charterboat or headboat. Except as provided in~~  
44 ~~G.S. 113-174.2(d), each individual on board a charterboat or headboat engaged in~~

1 recreational fishing, other than crew members who do not engage in recreational  
2 fishing, must have purchased a current SFL issued pursuant to G.S. 113-174.2. An  
3 owner, operator, or crew member of a charterboat or headboat is not responsible for the  
4 licensure of a customer fishing from a charterboat or headboat.

5 (f) Cancellation; Cancellation of Fraudulent License; Penalties. – The Division  
6 Wildlife Resources Commission may cancel a license issued by the Commission under  
7 this Article or Article 25A of this Chapter if the license was issued on the basis of false  
8 information supplied by the license applicant. The Division may cancel a For Hire  
9 Blanket CRFL issued under G.S. 113-174.3 if the license was issued on the basis of  
10 false information supplied by the license applicant. A cancelled license is void from the  
11 date of issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of  
12 the following:

13 (1) Engage in any activity regulated under this Article with an improper,  
14 false, or altered license.

15 (2) Make any false, fraudulent, or misleading statement in applying for a  
16 license issued under this Article or Article 25A of this Chapter.

17 (3) Counterfeit, alter, or falsify any application or license issued under this  
18 Article or Article 25A of this Chapter.

19 (g) Reporting Requirements. – A person licensed under this Article or Article  
20 25A of this Chapter shall comply with the biological data sampling and survey  
21 programs of the Marine Fisheries Commission and the Division.

22 (h) Replacement Licenses. – Upon receipt of a proper application together with a  
23 fee of five dollars (\$5.00), the Wildlife Resources Commission may issue a new license  
24 to replace one that has been lost or destroyed before its expiration. The application must  
25 be on a form of the Wildlife Resources Commission setting forth information in  
26 sufficient detail to allow ready identification of the lost or destroyed license and  
27 ascertainment of the applicant's continued entitlement to it."

28 **SECTION 3.** G.S. 113-174.2 reads as rewritten:

29 **"§ 113-174.2. Saltwater Coastal Recreational Fishing License.**

30 (a) License Required. – Except as otherwise provided in this Article, it is  
31 unlawful for any individual to engage in recreational fishing in coastal fishing waters by  
32 means of recreational gear without having purchased a current SFL issued under this  
33 section. It is unlawful for any individual fishing under a SFL to possess fish in excess of  
34 recreational possession limits.

35 (a1) Authorization to Fish in Coastal and Joint Fishing Waters. – A CRFL issued  
36 under this section authorizes the licensee to engage in recreational fishing in coastal  
37 fishing waters, including joint fishing waters. A CRFL issued under this section does  
38 not authorize the licensee to fish in inland fishing waters.

39 (b) Purchase; Renewal. – Any license issued under this section may be purchased  
40 or renewed at designated offices of the Division; from the Division by mail, electronic  
41 mail, the Internet, or telephone; or at locations designated by the North Carolina  
42 Saltwater Fishing Fund Board of Trustees.

43 (c) Types of SFLs; CRFLs; Fees; Duration. – The ~~Division~~ Wildlife Resources  
44 Commission shall issue the following SFLs; CRFLs:

- 1           (1) ~~One-year SFL.~~ Annual Resident CRFL. – \$15.00. This license is valid  
2 for a period of one year from the date of issuance. This license shall be  
3 issued only to an individual who is a resident of the State.
- 4           (1a) Annual Nonresident CRFL. – \$30.00. This license is valid for a period  
5 of one year from the date of issuance. This license shall be issued only  
6 to an individual who is not a resident of the State.
- 7           (2) ~~Two-year SFL.~~ – \$30.00. This license is valid for a period of two years  
8 from the date of issuance.
- 9           (3) ~~Three-year SFL.~~ – \$45.00. This license is valid for a period of three  
10 years from the date of issuance.
- 11           (4) ~~Seven-day SFL.~~ Ten-Day Resident CRFL. – ~~\$1.00;~~ \$5.00. This license  
12 is valid for a period of ~~seven consecutive days;~~ 10 consecutive days, as  
13 indicated on the license. ~~An individual may purchase this license only~~  
14 ~~once in any 12-month period.~~ This license shall be issued only to an  
15 individual who is a resident of the State.
- 16           (4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a  
17 period of 10 consecutive days, as indicated on the license. This license  
18 shall be issued only to an individual who is not a resident of the State.
- 19           (5) ~~Subsistence SFL.~~ – An applicant for a license under this subdivision  
20 shall provide to the Division a certification from the Department of  
21 Health and Human Services that the individual falls below the federal  
22 poverty level. A license issued under this subdivision shall be issued  
23 without charge and is valid for a period of one year from the date of  
24 issuance.
- 25           (6) ~~Lifetime SFL.~~ CRFLs. – ~~This license is~~ Except as provided in  
26 sub-subdivision j. of this subdivision, CRFLs issued under this  
27 subdivision are valid for the lifetime of the licensee. ~~The fee for the~~  
28 ~~Lifetime SFL, based on the age of the prospective licensee as of the~~  
29 ~~date on which the application is filed with the Division, is:~~
- 30           a. ~~Younger than six years of age~~ – \$100.00
- 31           b. ~~Six years of age to younger than 11 years of age~~ – \$150.00
- 32           c. ~~11 years of age to younger than 18 years of age~~ – \$200.00
- 33           d. ~~18 years of age or older~~ – \$500.00
- 34           e. Infant Lifetime CRFL. – \$100.00. This license shall be issued  
35 only to an individual younger than one year of age.
- 36           f. Youth Lifetime CRFL. – \$150.00. This license shall be issued  
37 only to an individual who is one year of age or older but  
38 younger than 12 years of age.
- 39           g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be  
40 issued only to an individual who is 12 years of age or older but  
41 younger than 70 years of age and who is a resident of the State.
- 42           h. Nonresident Adult Lifetime CRFL. – \$500.00. This license  
43 shall be issued only to an individual who is 12 years of age or  
44 older and who is not a resident of the State.

- 1           i.     Resident Elderly Lifetime CRFL. – \$10.00. This license shall  
2                   be issued only to an individual who is 70 years of age or older  
3                   and who is a resident of the State.
- 4           j.     Resident Disabled Veteran CRFL. – \$10.00. This license shall  
5                   be issued only to an individual who is a resident of the State and  
6                   who is a fifty percent (50%) or more disabled veteran as  
7                   determined by the United States Department of Veterans  
8                   Affairs. This license remains valid for the lifetime of the  
9                   licensee so long as the licensee remains fifty percent (50%) or  
10                  more disabled.
- 11          k.     Resident Totally Disabled CRFL. – \$10.00. This license shall  
12                   be issued only to an individual who is a resident of the State and  
13                   who is totally and permanently disabled as determined by the  
14                   Social Security Administration.
- 15          (d)    Exemptions. – An individual may engage in recreational fishing by means of  
16                  recreational gear without having purchased a SFLis exempt from the license  
17                  requirements of G.S. 113-174.1(a) if the individual is either:
- 18                  (1)    Is under 16 years of age.18 years of age or younger and is currently  
19                          enrolled in school and is making progress toward obtaining a high  
20                          school diploma or its equivalent.
- 21                  (2)    Holds any of the following licenses that were purchased prior to  
22                          January 1, 2005:
- 23                          a.     Infant Lifetime Sportsman License issued under  
24                                  G.S. 113-270.1D(b)(1).
- 25                          b.     Youth Lifetime Sportsman License issued under  
26                                  G.S. 113-270.1D(b)(2).
- 27                          c.     Adult Resident Lifetime Sportsman License issued under  
28                                  G.S. 113-270.1D(b)(3).
- 29                          d.     Nonresident Lifetime Sportsman License issued under  
30                                  G.S. 113-270.1D(b)(4).
- 31                          e.     Age 70 Resident Lifetime Sportsman License issued under  
32                                  G.S. 113-270.1D(b)(5).
- 33                          f.     Lifetime Resident Comprehensive Fishing License issued under  
34                                  G.S. 113-271(d)(3).
- 35                  (3)    Holds any of the following licenses that were purchased prior to March  
36                          1, 2006:
- 37                          a.     Lifetime Combination Hunting and Fishing License for  
38                                  Disabled Residents issued under G.S. 113-270.1C(b)(4).
- 39                          b.     Disabled Resident Sportsman License issued under  
40                                  G.S. 113-270.1D(b)(6).
- 41                  (4)    Holds any of the following licenses:
- 42                          a.     Lifetime Fishing License for the Legally Blind issued under  
43                                  G.S. 113-271(d)(7).

1           b. Adult Care Home Resident Fishing License issued under  
2           G.S. 113-271(d)(8)."

3           **SECTION 4.** Article 14B of Chapter 113 of the General Statutes is amended  
4 by adding a new section to read:

5 **"§ 113-174.3. For Hire Blanket CRFL; enforcement.**

6           (a) License. – A person who operates a for hire boat may purchase a For Hire  
7 Blanket CRFL issued by the Division of Marine Fisheries. A For Hire Blanket CRFL  
8 authorizes all individuals on the for hire boat who do not hold a license issued under this  
9 Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing  
10 waters that are not joint fishing waters. A For Hire Blanket CRFL does not authorize  
11 individuals on the for hire boat to engage in recreational fishing in joint fishing waters  
12 or inland fishing waters. This license is valid for a period of one year from the date of  
13 issuance. The fee for a For Hire Blanket CRFL is:

14           (1) Vessel of 18 feet or less in length                                 \$150.00.

15           (2) Vessel of greater than 18 feet in length  
16           but 38 feet or less in length   \$250.00.

17           (3) Vessel of greater than 38 feet in length  
18           but 50 feet or less in length   \$350.00.

19           (4) Vessel of greater than 50 feet in length                         \$450.00.

20           (b) Enforcement. – An inspector or other law enforcement officer may only  
21 verify the licensure of a person who operates a for hire boat after the boat has returned  
22 to shore. An inspector or other law enforcement officer may only verify the licensure of  
23 an individual engaged in recreational fishing from a for hire boat after the boat has  
24 returned to shore and the individual has disembarked from the boat. Except as provided  
25 in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged  
26 in recreational fishing, other than crew members who do not engage in recreational  
27 fishing, must hold a license issued under this Article or Article 25A of this Chapter. An  
28 owner, operator, or crew member of a for hire boat is not responsible for the licensure of  
29 a customer fishing from the boat."

30           **SECTION 5.** G.S. 113-175 reads as rewritten:

31 **"§ 113-175. Definitions.**

32 As used in this Article:

33           (1) ~~"Board of Trustees" means the Board of Trustees of the Fund.~~

34           (1a) "Endowment Fund" means the North Carolina Marine Resources  
35 Endowment Fund.

36           (1b) "Endowment investment income" means interest and other income  
37 earned from the investment of the principal of the Endowment Fund.

38           (1c) "Endowment license revenues" means the net proceeds from the sale  
39 of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net  
40 proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and  
41 (4). The apportionment of the net proceeds from the sale of licenses  
42 issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by  
43 the Division of Marine Fisheries and the Wildlife Resources  
44 Commission. In the event that the Division of Marine Fisheries and the

1 Wildlife Resources Commission cannot agree on the apportionment,  
2 the Governor is authorized to determine the apportionment.

3 (2) ~~"Fund"~~"Marine Resources Fund" means the North Carolina ~~Saltwater~~  
4 ~~Fishing~~Marine Resources Fund.

5 (3) ~~"Investment"~~"Marine resources investment income" means interest  
6 earned from the investment of ~~license revenues and the proceeds of~~  
7 ~~any gifts, grants, or contributions deposited in~~ the principal of the  
8 Marine Resources Fund.

9 (4) ~~"License"~~"Marine resources license revenues" means the net proceeds  
10 from the sale of ~~Saltwater Fishing Licenses~~licenses issued under  
11 ~~G.S. 113-174.2.~~Article 14B of this Chapter and a portion of the net  
12 proceeds from the sale of licenses issued under Article 25A of this  
13 Chapter, excluding endowment license revenues. The apportionment  
14 of the net proceeds from the sale of licenses issued under Article 25A  
15 of this Chapter shall be jointly determined by the Division of Marine  
16 Fisheries and the Wildlife Resources Commission. In the event that the  
17 Division of Marine Fisheries and the Wildlife Resources Commission  
18 cannot agree on the apportionment, the Governor is authorized to  
19 determine the apportionment. The term includes funds realized from  
20 the sale, lease, rental, or other grant of rights to real or personal  
21 property acquired or produced with license revenues and federal aid  
22 project reimbursements to the extent that license revenues originally  
23 funded the project for which the reimbursement is made."

24 **SECTION 6.** G.S. 113-175.1 reads as rewritten:

25 **"§ 113-175.1. North Carolina ~~Saltwater Fishing Fund.~~ Marine Resources Fund.**

26 (a) There is hereby established the North Carolina ~~Saltwater Fishing~~Marine  
27 Resources Fund as a nonreverting fund in the office of the State Treasurer. The purpose  
28 of the Marine Resources Fund is to enhance the fishery-marine resources of the State ~~for~~  
29 ~~commercial and recreational fishing.~~State. License revenues and the proceeds of any  
30 gifts, grants, and contributions to the State that are specifically designated for inclusion  
31 in the Fund shall be deposited in the Fund. The principal of the Marine Resources Fund  
32 shall consist of:

33 (1) Marine resources license revenues.

34 (2) Proceeds of any gifts, grants, and contributions to the State that are  
35 specifically designated for inclusion in the Marine Resources Fund.

36 (3) Funds realized from the sale, lease, rental, or other grant of rights to  
37 real or personal property acquired or produced from funds disbursed  
38 from the Marine Resources Fund.

39 (4) Federal aid project reimbursements to the extent that funds disbursed  
40 from the Marine Resources Fund originally funded the project for  
41 which the reimbursement is made.

42 (b) The State Treasurer shall hold the Marine Resources Fund separate and apart  
43 from all other moneys, funds, and accounts. The State Treasurer shall invest the assets  
44 of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and

1 G.S. 147-69.3. The State Treasurer shall disburse the principal of the Marine Resources  
2 Fund and marine resources investment income only upon the written direction of the  
3 Wildlife Resources Commission.

4 (c) The Wildlife Resources Commission may authorize the disbursement of the  
5 principal of the Marine Resources Fund and marine resources investment income only  
6 to manage, restore, develop, cultivate, conserve, and enhance the marine resources of  
7 the State."

8 **SECTION 7.** G.S. 113-175.2 is repealed.

9 **SECTION 8.** G.S. 113-175.3 is repealed.

10 **SECTION 9.** G.S. 113-175.4 is repealed.

11 **SECTION 10.** Article 14C of Chapter 113 of the General Statutes is  
12 amended by adding two new sections to read:

13 **"§ 113-175.5. North Carolina Marine Resources Endowment Fund.**

14 (a) There is hereby established the North Carolina Marine Resources Endowment  
15 Fund as a nonreverting fund in the office of the State Treasurer. The purpose of the  
16 Endowment Fund is to provide the citizens and residents of the State with the  
17 opportunity to invest in the future of the marine resources of the State. The principal of  
18 the Endowment Fund shall consist of:

19 (1) Endowment license revenues.

20 (2) Proceeds of any gifts, grants, and contributions to the State that are  
21 specifically designated for inclusion in the Endowment Fund.

22 (3) Funds realized from the sale, lease, rental, or other grant of rights to  
23 real or personal property acquired or produced from endowment  
24 investment income.

25 (4) Federal aid project reimbursements to the extent that endowment  
26 investment income originally funded the project for which the  
27 reimbursement is made.

28 (5) Transfers to the Endowment Fund.

29 (6) Any endowment investment income, marine resources investment  
30 income, or marine resources license revenue that is credited to the  
31 Endowment Fund for the purpose of increasing the principal of the  
32 Endowment Fund.

33 (b) The State Treasurer shall hold the Endowment Fund separate and apart from  
34 all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the  
35 Endowment Fund in accordance with the provisions of G.S. 147-69.2 and  
36 G.S. 147-69.3. The State Treasurer shall disburse the endowment investment income  
37 only upon the written direction of the Wildlife Resources Commission.

38 (c) The Endowment Fund is declared to constitute a special trust derived from a  
39 contractual relationship between the State and the members of the public whose  
40 investments contribute to the Endowment Fund. In recognition of this special trust, all  
41 of the following restrictions are placed on disbursement of funds held in the Endowment  
42 Fund:



1           (1) Any restrictions specified by the donors on the uses of income derived  
2 from gifts, grants, and voluntary contributions shall be respected but  
3 shall not be binding.

4           (2) No disbursements of the endowment investment income derived from  
5 the endowment license revenues generated by the sale of Infant  
6 Lifetime CRFLs under G.S. 113-174.2(c)(6)e., Youth Lifetime CRFLs  
7 under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified  
8 Sportsman/Coastal Recreational Fishing Licenses under  
9 G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal  
10 Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be  
11 made for any purpose until the respective licensees attain the age of 16  
12 years. The State Treasurer shall periodically make an actuarial  
13 determination as to the amount of endowment investment income  
14 within the Endowment Fund that remains encumbered by the  
15 restriction of this subdivision and the amount that is free of the  
16 restriction. The Executive Director of the Wildlife Resources  
17 Commission shall provide the State Treasurer with the information  
18 necessary to make this determination.

19           (3) No disbursement shall be made from the principal of the Endowment  
20 Fund except as otherwise provided by law.

21           (d) The Wildlife Resources Commission may authorize the disbursement of  
22 endowment investment income only to manage, restore, develop, cultivate, conserve,  
23 and enhance the marine resources of the State.

24           (e) Expenditure of the endowment investment income shall be made through the  
25 State budget accounts of the Wildlife Resources Commission in accordance with the  
26 provisions of the Executive Budget Act. The Endowment Fund is subject to the  
27 oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General  
28 Statutes.

29 **"§ 113-175.6. Marine Resources Committee.**

30 The Chair of the Wildlife Resources Commission shall designate five members of  
31 the Wildlife Resources Commission who shall constitute the Marine Resources  
32 Committee of the Wildlife Resources Commission. The Marine Resources Committee  
33 shall advise the Wildlife Resources Commission on the disbursement of funds from the  
34 Marine Resources Fund pursuant to G.S. 113-175.1 and on the disbursement of  
35 endowment investment income from the Marine Resources Endowment Fund pursuant  
36 to G.S. 113-175.5."

37           **SECTION 11.** G.S. 113-270.1 reads as rewritten:

38 **"§ 113-270.1. License agents.**

39           (a) The Wildlife Resources Commission may by rule provide for the ~~annual~~  
40 appointment of persons as license agents to sell licenses and permits which it that the  
41 Commission is authorized to issue by this Subchapter or by any other provisions of law.  
42 To facilitate the convenience of the public, the efficiency of administration, the need to  
43 keep statistics and records affecting the conservation of wildlife resources, boating,  
44 water safety, and other matters within the jurisdiction of the Wildlife Resources

1 Commission, and the need to issue licenses and permits containing special restrictions,  
2 the Wildlife Resources Commission may issue licenses and permits in any particular  
3 category through:

- 4 (1) License agents.
- 5 (2) The Wildlife Resources Commission's headquarters.
- 6 (3) Employees of the Wildlife Resources Commission.
- 7 (4) Two or more such sources simultaneously.

8 (a1) When there are substantial reasons for differing treatment, the Wildlife  
9 Resources Commission may issue a type of license or permit by one method in one  
10 locality and by another method in another locality.

11 (b) License agents may deduct from the amount collected for each license or  
12 permit a fee of six percent (6%).

13 (b1) When licenses or permits are to be issued by license agents as provided by  
14 subsection (a) of this section, the Wildlife Resources Commission may adopt rules to  
15 provide for any of the following:

- 16 (1) Qualifications of the license agents.
- 17 (2) Duties of the license agents.
- 18 (3) Methods and procedures to ensure accountability and security for  
19 proceeds and unissued licenses and permits.
- 20 (4) Types and amounts of evidence that a license agent must submit to  
21 relieve the agent of responsibility for losses due to occurrences beyond  
22 the control of the agent.
- 23 (5) Any other reasonable requirement or condition that the Wildlife  
24 Resources Commission deems necessary to expedite and control the  
25 issuance of licenses and permits by license agents.

26 (b2) The Wildlife Resources Commission may adopt rules to authorize the  
27 Executive Director to take any of the following actions related to license agents:

- 28 (1) Select and appoint license agents in areas most convenient for the sale  
29 of licenses and permits.
- 30 (2) Limit the number of license agents in an area if necessary for  
31 efficiency of operation.
- 32 (3) Require prompt and accurate reporting and remittance of public funds  
33 or documents by license agents.
- 34 (4) Conduct periodic and special audits of accounts.
- 35 (5) Suspend or terminate the authorization of any license agent found to be  
36 noncompliant with rules adopted by the Wildlife Resources  
37 Commission or when State funds or property are reasonably believed  
38 to be in jeopardy.
- 39 (6) Require the immediate surrender of all equipment, forms, licenses,  
40 permits, records, State funds and property, issued by or belonging to  
41 the Wildlife Resources Commission, in the event of the termination of  
42 a license agent.

43 (b3) The Wildlife Resources Commission is exempt from the contested case  
44 provisions of Chapter 150B of the General Statutes with respect to determinations of

1 whether to authorize or terminate the authority of a person to sell licenses and permits  
2 as a license agent of the Wildlife Resources Commission.

3 (b4) If any check or bank account draft of any license agent for the issuance of  
4 licenses or permits shall be returned by the banking facility upon which the same is  
5 drawn for lack of funds, the license agent shall be liable to the Commission for a  
6 penalty of five percent (5%) of the amount of the check or bank account draft, but in no  
7 event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars  
8 (\$200.00). License agents shall be assessed a penalty of twenty-five percent (25%) of  
9 their issuing fee on all remittances to the Commission after the fifteenth day of the  
10 month immediately following the month of sale.

11 ~~(e) The Wildlife Resources Commission may provide qualifications and~~  
12 ~~standards concerning license agents and delegate to the Executive Director the task of~~  
13 ~~appointment and supervision. Annual appointments run from May 1 to April 30 each~~  
14 ~~year. The Wildlife Resources Commission may require license agents to post bonds,~~  
15 ~~keep records and make reports concerning licenses and receipts, be subject to such~~  
16 ~~audits and inspections as may be necessary, and pay a penalty of five percent (5%) on~~  
17 ~~any worthless checks given the Wildlife Resources Commission. The minimum penalty~~  
18 ~~for a worthless check, however, is five dollars (\$5.00), and the maximum penalty is two~~  
19 ~~hundred dollars (\$200.00). The Wildlife Resources Commission shall require license~~  
20 ~~agents to pay penalties of twenty five percent (25%) of the agents' fees on any license~~  
21 ~~fees remitted to the Commission after the fifteenth day of the month immediately~~  
22 ~~following the month of sale.~~

23 ~~(d) The Wildlife Resources Commission may make rules in implementing the~~  
24 ~~authority granted in subsection (c), but it need not set out in its rules details as to forms~~  
25 ~~of license, records and accounting procedures, and other reasonable requirements that~~  
26 ~~may be administratively promulgated by employees of the Wildlife Resources~~  
27 ~~Commission in implementation of the purposes of this Article in order for such~~  
28 ~~administrative requirements to be deemed validly required. It is a Class 1 misdemeanor~~  
29 ~~for a license agent:agent to do any of the following:~~

- 30 (1) ~~To withhold~~Withhold or misappropriate funds from the sale of  
31 ~~licenses;~~licenses or permits.
- 32 (2) ~~To falsify~~Falsify records of licenses sold;or permits sold.
- 33 (3) ~~Wilfully~~Willfully and knowingly ~~to~~assist or allow a person to obtain  
34 a license or permit for which he is ineligible;the person is ineligible.
- 35 (4) ~~Wilfully to~~Willfully issue a backdated ~~license;~~license or permit.
- 36 (5) ~~Wilfully on records or licenses to~~Willfully include false information or  
37 omit material information asto:on records, licenses, or permits  
38 regarding either:
- 39 a. A person's entitlement to a particular ~~license;~~license or  
40 permit.
- 41 b. The applicability or term of a particular ~~license;~~license or  
42 permit.
- 43 (6) ~~To refuse to return all consigned licenses, or to remit the net value of~~  
44 ~~consigned licenses sold or unaccounted for, upon demand from an~~

1 ~~authorized employee of the Wildlife Resources Commission. Charge or~~  
2 ~~accept any additional fee, remuneration, or other item of value in~~  
3 ~~association with any activity set out in subdivisions (1) through (5) of~~  
4 ~~this subsection.~~

5 ~~(e) The Executive Director may temporarily suspend, revoke, or refuse to renew~~  
6 ~~a person's appointment as a license agent if he fails in a timely manner to submit~~  
7 ~~required reports, remit moneys due the Wildlife Resources Commission, or otherwise~~  
8 ~~comply with the qualifications and standards set by the Wildlife Resources Commission~~  
9 ~~or with reasonable administrative directives of the Executive Director. The temporary~~  
10 ~~suspension is effective immediately upon communication of that fact to the license~~  
11 ~~agent or his representative handling the licenses. The communication as to suspension~~  
12 ~~must state the grounds for suspension and that the license agent may request a hearing~~  
13 ~~within five working days if he contests the grounds for suspension. If not in writing, the~~  
14 ~~communication must be followed by written notice of suspension containing the same~~  
15 ~~information. By personal service of an impoundment order upon a license agent or his~~  
16 ~~representative handling the licenses, an employee or agent of the Wildlife Resources~~  
17 ~~Commission may enter the premises and impound all licenses, moneys, record books,~~  
18 ~~reports, license forms, and other documents, ledgers, and materials pertinent or~~  
19 ~~apparently pertinent to the license agency being suspended. The Executive Director~~  
20 ~~must make the impounded property, or copies of it, available to the licensee during the~~  
21 ~~period of temporary suspension.~~

22 ~~(f) If a hearing is requested, it is before the Executive Director or his designee to~~  
23 ~~be held at Raleigh or some other place convenient to the parties specified by the~~  
24 ~~Executive Director. The temporary suspension remains in effect until the hearing, and~~  
25 ~~after the hearing may be rescinded or continued in effect, as the facts warrant, in the~~  
26 ~~discretion of the Executive Director. A temporary suspension may not last longer than~~  
27 ~~30 days, but additional suspensions may be imposed if at the end of the suspension~~  
28 ~~period the license agent is still not in compliance with appropriate standards,~~  
29 ~~qualifications, and administrative directives. A license agent may at any time after a~~  
30 ~~hearing appeal his suspension to the Wildlife Resources Commission.~~

31 ~~(g) Notice of revocation or nonrenewal of the appointment may be sent the~~  
32 ~~license agent in lieu of or in addition to temporary suspension. The notice must state the~~  
33 ~~grounds for termination of the appointment and the license agent's right to a hearing if~~  
34 ~~he has not previously been afforded one. If the appointment is to be revoked, the notice~~  
35 ~~must state the effective date and hour of revocation. If the appointment is not to be~~  
36 ~~renewed, the notice must state that the appointment expires at midnight on April 30. If~~  
37 ~~he has not been previously afforded a hearing, a license agent is entitled to a hearing~~  
38 ~~within 14 days before the Executive Director or his designee to be held at Raleigh or~~  
39 ~~some other place convenient to the parties specified by the Executive Director. After the~~  
40 ~~hearing, the Executive Director, applying appropriate standards, must take the action~~  
41 ~~with respect to the appointment as license agent that the facts warrant. If the Executive~~  
42 ~~Director upholds the decision to terminate the appointment, a license agent may appeal~~  
43 ~~his termination to the Wildlife Resources Commission. Pending the hearing and any~~

1 appeal from it, the termination is held in abeyance, but no license sales may be made  
2 once the license agent's bond has expired.

3 (h) Upon termination of the appointment, the former agent must return to the  
4 Wildlife Resources Commission all record books, reports, license forms, moneys, and  
5 other property pertaining to the license agency, and must allow agents of the Wildlife  
6 Resources Commission to conduct necessary inspections and audits required in  
7 terminating the license agency. Each day's refusal after termination to return, upon  
8 demand, the record books, reports, license forms, moneys, and other property pertaining  
9 to the license agency is a separate offense. Each instance of refusal, after termination, to  
10 allow agents of the Wildlife Resources Commission to conduct necessary inspections  
11 and audits during regular business hours is a separate offense. A violation of this  
12 subsection is a Class 2 misdemeanor. Before termination, violations by license agents  
13 are punishable under G.S. 113-135, subsection (d) above, or other provision of this  
14 Subchapter, as appropriate.

15 (i) No person denied appointment or whose appointment was terminated under  
16 this section is eligible to apply again for an appointment as a license agent for two  
17 years. Upon application, the executive director may not grant the appointment as license  
18 agent unless the applicant produces clear evidence, convincing to the Executive  
19 Director, that he meets all standards and qualifications and will comply with all  
20 requirements of statutes, rules, and reasonable administrative directives pertaining to  
21 license agents.

22 (j) The Executive Director or his designee holding any hearing under this section  
23 must keep a written record of evidence considered and findings made. Upon appeal to  
24 the Wildlife Resources Commission, the commission chairman or other presiding  
25 officer must cause such a written record of evidence and findings to be made and kept.  
26 Hearings and appeals under this section are internal matters concerning license agents of  
27 the Wildlife Resources Commission and are not governed by the North Carolina  
28 Administrative Procedure Act."

29 **SECTION 12.** G.S. 113-270.1C reads as rewritten:

30 "**§ 113-270.1C. Combination hunting and inland fishing licenses.**

31 (a) The combination hunting and inland fishing licenses set forth in subsection  
32 (b) of this section entitle the holder-licensee to take, except on game lands, all wild birds  
33 and wild animals, other than big game and waterfowl, by all lawful methods and in all  
34 open seasons, and to fish with hook and line in all inland and joint fishing waters,  
35 except public mountain trout waters. A combination hunting and inland fishing license  
36 issued under this section does not entitle the licensee to engage in recreational fishing in  
37 coastal fishing waters that are not joint fishing waters.

38 (b) Combination hunting and inland fishing licenses issued by the Wildlife  
39 Resources Commission are:

40 (1) Resident Annual Combination Hunting and Inland Fishing License –  
41 \$20.00. This license shall be issued only to an individual resident of  
42 the State.

43 (2), (3) Repealed by Session Laws 1997-326, s. 2.

- 1           (4) ~~Lifetime Combination Hunting and Fishing License for Disabled~~  
2 ~~Residents — \$10.00. This license shall be issued only to (i) an~~  
3 ~~individual resident of the State who is a fifty percent (50%) or more~~  
4 ~~disabled veteran as determined by the United States Department of~~  
5 ~~Veterans Affairs, remaining valid for the lifetime of the individual so~~  
6 ~~long as the individual remains fifty percent (50%) or more disabled; or~~  
7 ~~(ii) an individual resident of the State who is totally disabled,~~  
8 ~~remaining valid for the lifetime of the individual so long as the~~  
9 ~~individual remains totally disabled. For purposes of this section,~~  
10 ~~"totally disabled" means physically incapable of being gainfully~~  
11 ~~employed. The application form for this license, to be provided by the~~  
12 ~~Wildlife Resources Commission, allows a person to apply only for the~~  
13 ~~fishing privileges conveyed by the license. This license entitles the~~  
14 ~~holder to fish in public mountain trout waters as provided in~~  
15 ~~G.S. 113-272(a).~~
- 16           (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland  
17 Fishing License – \$10.00. This license shall be issued only to an  
18 individual who is a resident of the State and who is a fifty percent  
19 (50%) or more disabled veteran as determined by the United States  
20 Department of Veterans Affairs. This license remains valid for the  
21 lifetime of the licensee so long as the licensee remains fifty percent  
22 (50%) or more disabled. This license entitles the licensee to fish in  
23 public mountain trout waters as provided in G.S. 113-272(a).
- 24           (6) Resident Totally Disabled Lifetime Combination Hunting and Inland  
25 Fishing License – \$10.00. This license shall be issued only to an  
26 individual who is a resident of the State and who is totally and  
27 permanently disabled as determined by the Social Security  
28 Administration. This license remains valid for the lifetime of the  
29 licensee. This license entitles the licensee to fish in public mountain  
30 trout waters as provided in G.S. 113-272(a)."

31           **SECTION 13.** G.S. 113-270.1D reads as rewritten:

32           "**§ 113-270.1D. Sportsman licenses.**

33           (a) Annual Sportsman License – \$40.00. This license shall be issued only to an  
34 individual resident of the State and entitles the ~~holder~~ licensee to take all wild animals  
35 and wild birds, including waterfowl, by all lawful methods in all open seasons,  
36 including the use of game lands, and to fish with hook and line for all fish in all inland  
37 and joint fishing waters, including public mountain trout waters. An annual sportsman  
38 license issued under this subsection does not entitle the licensee to engage in  
39 recreational fishing in coastal fishing waters that are not joint fishing waters.

40           (b) Lifetime Sportsman Licenses. ~~Lifetime~~ Except as provided in subdivision (7)  
41 of this subsection, lifetime sportsman licenses are valid for the lifetime of the holders  
42 licensees, and Lifetime sportsman licenses entitle the holders-licensees to take all wild  
43 animals and wild birds by all lawful methods in all open seasons, including the use of  
44 game lands, and to fish with hook and line for all fish in all inland and joint fishing

1 waters, including public mountain trout waters. A lifetime sportsman license issued  
2 under this subsection does not entitle the licensee to engage in recreational fishing in  
3 coastal fishing waters that are not joint fishing waters. Lifetime sportsman licenses  
4 issued by the Wildlife Resources Commission are:

- 5 (1) Infant Lifetime Sportsman License – \$200.00. This license shall be  
6 issued only to an individual under one year of age.
- 7 (2) Youth Lifetime Sportsman License – \$350.00. This license shall be  
8 issued only to an individual under 12 years of age.
- 9 (3) Adult Resident Lifetime Sportsman License – \$500.00. This license  
10 shall be issued only to an individual resident of the State.
- 11 (4) Nonresident Lifetime Sportsman License – \$1,000. This license shall  
12 be issued only to an individual nonresident of the State.
- 13 (5) Age 70 Resident Lifetime Sportsman License – \$10.00. This license  
14 shall be issued only to an individual resident of the State who is at  
15 least 70 years of age.
- 16 ~~(6) Disabled Resident Sportsman License – \$100.00. This license shall be~~  
17 ~~issued only to (i) an individual resident of the State who is a fifty~~  
18 ~~percent (50%) or more disabled veteran as determined by the United~~  
19 ~~States Department of Veterans Affairs, remaining valid for the lifetime~~  
20 ~~of the individual so long as the individual remains fifty percent (50%)~~  
21 ~~or more disabled; or (ii) an individual resident of the State who is~~  
22 ~~totally disabled, remaining valid for the lifetime of the individual so~~  
23 ~~long as the individual remains totally disabled. For purposes of this~~  
24 ~~section, "totally disabled" means physically incapable of being~~  
25 ~~gainfully employed.~~
- 26 (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00.  
27 This license shall be issued only to an individual who is a resident of  
28 the State and who is a fifty percent (50%) or more disabled veteran as  
29 determined by the United States Department of Veterans Affairs. This  
30 license remains valid for the lifetime of the licensee so long as the  
31 licensee remains fifty percent (50%) or more disabled.
- 32 (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00.  
33 This license shall be issued only to an individual who is a resident of  
34 the State and who is totally and permanently disabled as determined by  
35 the Social Security Administration."

36 **SECTION 14.** G.S. 113-271 reads as rewritten:

37 **"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.**

38 (a) An inland hook-and-line fishing license issued under this section entitles the  
39 licensee to fish with hook and line in inland fishing waters and joint fishing waters. An  
40 inland hook-and-line fishing license issued under this section does not entitle the  
41 licensee to engage in recreational fishing in coastal fishing waters that are not joint  
42 fishing waters. An inland hook-and-line fishing license issued under subdivision (1),  
43 (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee ~~All the~~  
44 ~~hook and line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of~~

1 ~~subsection (d) of this section entitle the holder to fish with hook and line in public~~  
2 ~~mountain trout waters.~~

3 (b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 4.

4 (c) Repealed by Session Laws 1979, c. 830, s. 1.

5 (d) The hook-and-line fishing licenses issued by the Wildlife Resources  
6 Commission are as follows:

7 (1) Resident Annual Comprehensive Inland Fishing License – \$20.00.  
8 This license shall be issued only to an individual resident of the State.

9 (2) Resident State Inland Fishing License – \$15.00. This license shall be  
10 issued only to an individual resident of the State.

11 (3) Lifetime Resident Comprehensive Inland Fishing License – \$250.00.  
12 This license shall be issued only to an individual resident of the State  
13 and is valid for the lifetime of the ~~holder~~licensee.

14 (4) Resident County Inland Fishing License – \$10.00. This license shall be  
15 issued only to an individual resident of the State and is valid only  
16 within the county of residence of the ~~license holder~~licensee.

17 (5) Nonresident State Inland Fishing License – \$30.00. This license shall  
18 be issued to an individual nonresident of the State.

19 (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses  
20 are valid only for the date or consecutive dates indicated on the  
21 licenses. Short-term inland fishing licenses issued by the Wildlife  
22 Resources Commission are:

23 a. Resident ~~one day~~10-day Inland Fishing License – \$5.00. This  
24 license shall be issued only to a resident of the State.

25 b. Nonresident ~~one day~~10-day Inland Fishing License – \$10.00.  
26 This license shall be issued only to a nonresident of the State.

27 e. ~~Nonresident three day~~ \$15.00. ~~This license shall be issued~~  
28 ~~only to a nonresident of the State.~~

29 (6a) Age 70 Resident Lifetime Inland Fishing License – \$10.00. This  
30 license shall be issued only to an individual resident of the State who is  
31 at least 70 years of age.

32 (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00.  
33 This license shall be issued only to an individual who is a resident of  
34 the State and who is a fifty percent (50%) or more disabled veteran as  
35 determined by the United States Department of Veterans Affairs. This  
36 license remains valid for the lifetime of the licensee so long as the  
37 licensee remains fifty percent (50%) or more disabled.

38 (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00.  
39 This license shall be issued only to an individual who is a resident of  
40 the State and who is totally and permanently disabled as determined by  
41 the Social Security Administration. This license remains valid for the  
42 lifetime of the licensee.

43 (7) ~~Lifetime Fishing License for the Legally Blind~~ – No charge. This  
44 ~~license shall be issued only to an individual resident of the State who~~



1 has been certified by the Department of Health and Human Services as  
2 a person whose vision with glasses is insufficient for use in ordinary  
3 occupations for which sight is essential. This license is valid for the  
4 life of the individual so long as he remains legally blind.

5 (8) ~~Adult Care Home Resident Fishing License – No charge. This license~~  
6 ~~shall be issued only to an individual resident of the State who resides~~  
7 ~~in an adult care home as defined in G.S. 131D-2(a)(3) or~~  
8 ~~G.S. 131E-101(4). This license is valid for the life of the individual so~~  
9 ~~long as the individual remains a resident of an adult care home.~~

10 (9) Special Guest Inland Fishing License – \$50.00. This license shall be  
11 issued only to the owner or lessee of private property bordering inland  
12 or joint fishing waters, including public mountain trout waters, and  
13 entitles ~~persons~~ individuals to fish from the shore or any pier or dock  
14 originating from the property without any additional fishing license.  
15 This license is applicable only to private property and private docks  
16 and piers and is not valid for any public property, pier, or dock nor for  
17 any private property, pier, or dock operated for any commercial  
18 purpose whatsoever. The guest fishing license shall not be in force  
19 unless displayed on the premises of the property and only entitles  
20 fishing without additional license to ~~persons~~ individuals fishing from  
21 the licensed property and then only when fishing within the private  
22 property lines. The guest fishing license is not transferable as to person  
23 or location."

24 **SECTION 15.** G.S. 113-272.3 (c) reads as rewritten:

25 "(c) Lifetime licenses are issued from the Wildlife Resources Commission  
26 headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime  
27 Sportsman License must be accompanied by a certified copy of the birth ~~certificate~~  
28 certificate, adoption order containing the date of birth, or other proof of age satisfactory  
29 to the Commission, of the individual to be named as the ~~license holder~~ licensee."

30 **SECTION 16.** G.S. 113-275(c1) reads as rewritten:

31 "(c1) Upon receipt of a proper application together with a fee of ~~two~~ five dollars  
32 ~~(\$2.00), (\$5.00)~~, the Wildlife Resources Commission may issue a new license or permit  
33 to replace one that has been lost or destroyed before its expiration. The application must  
34 be on a form of the Wildlife Resources Commission setting forth information in  
35 sufficient detail to allow ready identification of the lost or destroyed license or permit  
36 and ascertainment of the applicant's continued entitlement to it."

37 **SECTION 17.** G.S. 113-276(e) is repealed.

38 **SECTION 18.** G.S. 113-276(j) reads as rewritten:

39 "(j) A migrant farm worker who has in his possession a temporary certification of  
40 his status as such by the Rural Employment Service of the North Carolina Employment  
41 Security Commission on a form provided by the Wildlife Resources Commission is  
42 entitled to the privileges of a resident of the State and of the county indicated on such  
43 certification during the term thereof for the purposes ~~of~~ of

1           (1) ~~Purchasing~~purchasing and using the resident fishing licenses provided  
2           by G.S. 113-271(d)(2), (4), and ~~(6)a.~~; ~~and (6)a.~~

3           (2) ~~Utilizing the natural bait exemption in subsection (e) above.~~"

4           **SECTION 19.** G.S. 113-276(m) reads as rewritten:

5           "~~Notwithstanding any other provision of law, the~~ The fourth day of July of  
6 each year is declared a free fishing day to promote the sport of fishing and no  
7 hook-and-line fishing license is required to fish in any of the public waters of the State  
8 on ~~this~~ that day. All other laws and rules pertaining to hook-and-line fishing still apply."

9           **SECTION 20.** G.S. 113-276.1 reads as rewritten:

10          "**§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license**  
11          **requirements and exemptions.**

12          (a) In its discretion and in accordance with the best interests of the conservation  
13 of wildlife resources, the Wildlife Resources Commission may implement the  
14 provisions of this Article with rules that:

15           (1) [Reserved.]

16           (2) Regulate license requirements and exemptions applying to the taking  
17 of wildlife on particular waters forming or lying across a county  
18 boundary where there may be confusion as to the location of the  
19 boundary, hardship imposed as to the location of the boundary, or  
20 difficulty of administering or enforcing the law with respect to the  
21 actual boundary location.

22           (3) Require persons subject to license requirements, and persons exempt  
23 from license requirements, to carry, display, or produce identification  
24 that may be necessary to substantiate the person's entitlement to a  
25 particular license or to a particular exemption from license  
26 requirements.

27           (4) Require individuals aboard vessels or carrying weapons or other gear  
28 that may be used to take wildlife resources, and in an area at a time  
29 wildlife resources may be taken, to exhibit identification that includes  
30 the individual's name and current address. More than one piece of  
31 identification, including a vehicle driver license, may be required to be  
32 exhibited, if available.

33           (5) Implement a system of tagging and reporting fur-bearing animals and  
34 big game. Upon the implementation of a tagging system for any  
35 species of fur-bearing animal, the Wildlife Resources Commission  
36 may charge a reasonable fee to defray its costs, not to exceed two  
37 dollars twenty-five cents (\$2.25) per tag, for each tag furnished. The  
38 price of the big game hunting license includes the cost of big game  
39 tags.

40          (b) Except as provided in this subsection, the Wildlife Resources Commission  
41 shall not disclose personal information provided by an applicant for a license issued  
42 under Article 14B, Article 21, or Article 25A of Chapter 113 of the General Statutes.  
43 The Wildlife Resources Commission shall disclose to the Division of Marine Fisheries

1 and the Marine Fisheries Commission information on the holders of licenses issued  
2 under Article 14B and Article 25A of Chapter 113 of the General Statutes."

3 **SECTION 21.** G.S. 113-296(b) reads as rewritten:

4 "(b) In order to be eligible for participation in the Disabled Sportsman Program  
5 established by this section, a ~~person~~ individual must be able to certify through  
6 competent medical evidence one of the following disabilities:

- 7 (1) ~~Amputation of~~ Missing fifty percent (50%) or more of one or more  
8 ~~limbs;limbs, whether by amputation or natural causes.~~
- 9 (2) Paralysis of one or more ~~limbs;limbs.~~
- 10 (3) Dysfunction of one or more limbs rendering the ~~person~~ individual  
11 unable to perform the tasks of grasping and lifting with the hands and  
12 arms or unable to walk without mechanical assistance, other than a  
13 ~~cane;cane.~~
- 14 (4) Disease, injury, or defect confining the ~~person~~ individual to a  
15 wheelchair, walker, or ~~erutches;crutches.~~
- 16 (5) Legal ~~deafness; or~~ deafness.
- 17 (6) Legal blindness, for purposes of participation in disabled fishing only.

18 The disability must be permanent, and a ~~person~~ individual loses eligibility to  
19 participate in the Disabled Sportsman Program when the specified disability ceases to  
20 exist."

21 **SECTION 22.** Subchapter IV of Chapter 113 of the General Statutes is  
22 amended by adding a new Article to read:

23 "Article 25A.

24 "Unified Licenses.

25 **"§ 113-351. Unified hunting and fishing licenses; subsistence voucher.**

26 (a) Definitions. – The definitions set out in G.S. 113-174 apply to this Article.

27 (b) General Provisions Governing Licenses and Vouchers. – The general  
28 provisions governing licenses set out in G.S. 113-174.1 apply to licenses and vouchers  
29 issued under this section.

30 (c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The  
31 Wildlife Resources Commission shall issue the following Unified Hunting and Fishing  
32 Licenses:

- 33 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing  
34 License. – \$55.00. This license is valid for a period of one year from  
35 the date of issuance. This license shall be issued only to an individual  
36 who is a resident of the State. This license authorizes the licensee to  
37 take all wild animals and wild birds, including waterfowl, by all lawful  
38 methods in all open seasons, including the use of game lands; to fish  
39 with hook and line for all fish in all inland fishing waters and joint  
40 fishing waters, including public mountain trout waters; and to engage  
41 in recreational fishing in coastal fishing waters.
- 42 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License.  
43 – \$35.00. This license is valid for a period of one year from the date of  
44 issuance. This license shall be issued only to an individual who is a

1           resident of the State. This license authorizes the licensee to fish with  
2           hook and line for all fish in all inland fishing waters and joint fishing  
3           waters, including public mountain trout waters, and to engage in  
4           recreational fishing in coastal fishing waters.

5           (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. –  
6           Except as provided in sub-subdivisions f., h., and i. of this subdivision,  
7           a license issued under this subdivision is valid for the lifetime of the  
8           licensee. A license issued under this subdivision authorizes the  
9           licensee to take all wild animals and wild birds, including waterfowl,  
10           by all lawful methods in all open seasons, including the use of game  
11           lands; to fish with hook and line for all fish in all inland fishing waters  
12           and joint fishing waters, including public mountain trout waters; and to  
13           engage in recreational fishing in coastal fishing waters.

14           a. Infant Lifetime Unified Sportsman/Coastal Recreational Fishing  
15           License. – \$275.00. This license shall be issued only to an  
16           individual who is younger than one year of age.

17           b. Youth Lifetime Unified Sportsman/Coastal Recreational  
18           Fishing License. – \$450.00. This license shall be issued only to  
19           an individual who is one year of age or older but younger than  
20           12 years of age.

21           c. Resident Adult Lifetime Unified Sportsman/Coastal  
22           Recreational Fishing License. – \$675.00. This license shall be  
23           issued only to an individual who is 12 years of age or older but  
24           younger than 70 years of age and who is a resident of the State.

25           d. Nonresident Adult Lifetime Unified Sportsman/Coastal  
26           Recreational Fishing License. – \$1,350. This license shall be  
27           issued only to an individual who is 12 years of age or older and  
28           who is not a resident of the State.

29           e. Resident Elderly Lifetime Unified Sportsman/Coastal  
30           Recreational Fishing License. – \$20.00. This license shall be  
31           issued only to an individual who is 70 years of age or older and  
32           who is a resident of the State.

33           f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal  
34           Recreational Fishing License. – \$110.00. This license shall be  
35           issued only to an individual who is a resident of the State and  
36           who is a fifty percent (50%) or more disabled veteran as  
37           determined by the United States Department of Veterans  
38           Affairs. This license remains valid for the lifetime of the  
39           licensee so long as the licensee remains fifty percent (50%) or  
40           more disabled.

41           g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal  
42           Recreational Fishing License. – \$110.00. This license shall be  
43           issued only to an individual who is a resident of the State and

1                    who is totally and permanently disabled as determined by the  
2                    Social Security Administration.

3                    h. Resident Legally Blind Lifetime Unified Sportsman/Coastal  
4                    Recreational Fishing License. – No charge. This license shall be  
5                    issued only to an individual who is a resident of the State and  
6                    who has been certified by the Department of Health and Human  
7                    Services as an individual whose vision with glasses is  
8                    insufficient for use in ordinary occupations for which sight is  
9                    essential. This license remains valid for the lifetime of the  
10                   licensee so long as the licensee remains legally blind.

11                   i. Resident Adult Care Home Lifetime Unified Sportsman/Coastal  
12                   Recreational Fishing License. – No charge. This license shall be  
13                   issued only to an individual who is a resident of the State and  
14                   who resides in an adult care home as defined in  
15                   G.S. 131D-2(a)(1b) or G.S. 131E-101(1). This license remains  
16                   valid for the lifetime of the licensee so long as the licensee  
17                   remains a resident of an adult care home.

18                   (4) Lifetime Unified Inland/Coastal Recreational Fishing License. –  
19                   \$450.00. This license is valid for the lifetime of the licensee and  
20                   authorizes the licensee to fish with hook and line for all fish in all  
21                   inland fishing waters and joint fishing waters, including public  
22                   mountain trout waters, and to engage in recreational fishing in coastal  
23                   fishing waters.

24                   (d) Resident Subsistence Unified Inland/Coastal Recreational Fishing Voucher. –  
25                   A county department of social services shall issue a Resident Subsistence Unified  
26                   Inland/Coastal Recreational Fishing Voucher to an individual who receives benefits  
27                   from Medicaid, Food Stamps, or Work First through the County Department of Social  
28                   Services and who requests a voucher. County departments of social services shall  
29                   supply the Wildlife Resources Commission with the name, mailing address, and  
30                   telephone number of each individual who receives a voucher. This voucher shall be  
31                   issued at no charge. This voucher is valid for a period of one year from the date of  
32                   issuance. This voucher shall be issued only to an individual who is a resident of the  
33                   State. This voucher authorizes the voucher holder to fish with hook and line for all fish  
34                   in all inland fishing waters and joint fishing waters, except for public mountain trout  
35                   waters, and to engage in recreational fishing in coastal fishing waters."

36                    **SECTION 23.** G.S. 143B-289.52(h) reads as rewritten:

37                    "(h) Neither the Commission nor the ~~Department~~Division may disclose personal  
38 information provided by an applicant for a license issued under Article ~~14A~~14B of  
39 Chapter 113 of the General Statutes. Neither the Commission nor the Division may  
40 disclose information on license holders provided by the Wildlife Resources Commission  
41 pursuant to G.S. 113-276.1(b)."

42                    **SECTION 24.** G.S. 150B-1(e) is amended by adding a new subdivision to  
43 read:

1       "(e) Exemptions From Contested Case Provisions. – The contested case  
2 provisions of this Chapter apply to all agencies and all proceedings not expressly  
3 exempted from the Chapter. The contested case provisions of this Chapter do not apply  
4 to the following:

5           ...

6           (15) The Wildlife Resources Commission with respect to determinations of  
7           whether to authorize or terminate the authority of a person to sell  
8           licenses and permits as a license agent of the Wildlife Resources  
9           Commission."

10       **SECTION 25.** Sections 3, 4, 9, 10, 11, and 12 of S.L. 2004-187 are repealed.

11       **SECTION 26.** Section 15 of S.L. 2004-187 reads as rewritten:

12       "**SECTION 15.** ~~Sections 2, 3, and 4~~Section 2 of this act ~~become~~becomes effective  
13 ~~January–March~~ 1, 2006. All other sections of this act become effective when the act  
14 becomes law."

15       **SECTION 27.** Notwithstanding G.S. 143-250.1, the State Treasurer shall  
16 transfer the sum of three million dollars (\$3,000,000) from the Wildlife Endowment  
17 Fund to the Marine Resources Endowment Fund. This transfer shall be made in five  
18 equal installments of six hundred thousand dollars (\$600,000) on the first day of March  
19 in 2006, 2007, 2008, 2009, and 2010.

20       **SECTION 28.(a)** The Wildlife Resources Commission shall adopt rules to  
21 provide for the following:

- 22           (1) Qualifications of license agents.
- 23           (2) Duties of license agents.
- 24           (3) Methods and procedures to ensure accountability and security for  
25           proceeds and unissued licenses and permits.
- 26           (4) Types and amounts of evidence that a license agent must submit to  
27           relieve the agent of responsibility for losses due to occurrences beyond  
28           the control of the agent.
- 29           (5) Any other reasonable requirement or condition that the Wildlife  
30           Resources Commission deems necessary to expedite and control the  
31           issuance of licenses and permits by license agents.

32       **SECTION 28.(b)** The Wildlife Resources Commission shall adopt rules to  
33 authorize the Executive Director to take the following actions related to license agents:

- 34           (1) Select and appoint license agents in areas most convenient for the sale  
35           of licenses and permits.
- 36           (2) Limit the number of license agents in an area if necessary for  
37           efficiency of operation.
- 38           (3) Require prompt and accurate reporting and remittance of public funds  
39           or documents by license agents.
- 40           (4) Conduct periodic and special audits of accounts.
- 41           (5) Suspend or terminate the authorization of any license agent found to be  
42           noncompliant with rules adopted by the Wildlife Resources  
43           Commission or when State funds or property are reasonably believed  
44           to be in jeopardy.

1           (6)    Require the immediate surrender of all equipment, forms, licenses,  
2                    permits, records, State funds and property, issued by or belonging to  
3                    the Wildlife Resources Commission, in the event of the termination of  
4                    a license agent.

5           **SECTION 29.** If any section or provision of this act is declared  
6   unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
7   provision does not affect the validity of this act as a whole or any part of this act other  
8   than the part declared to be unconstitutional or invalid.

9           **SECTION 30.** Sections 5, 6, 7, 8, 9, 10, 19, 20, 23, 25, 26, 28, 29, and 30 of  
10   this act are effective when this act becomes law. Sections 15, 16, 21, and 24 of this act  
11   become effective January 1, 2006. Sections 1, 2, 3, 4, 12, 13, 14, 17, 18, 22, and 27 of  
12   this act become effective March 1, 2006. Section 11 of this act is effective on the date  
13   that all rules adopted by the Wildlife Resources Commission pursuant to Section 28 of  
14   this act become effective, except that G.S. 113-270.1(b3) and (b4) become effective  
15   January 1, 2006. Section 28 of this act expires on the date that all rules adopted by the  
16   Wildlife Resources Commission pursuant to Section 28 of this act become effective.