

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1126
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/5/05
Finance Committee Substitute Adopted 4/6/05

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.

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

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

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

4 **"§ 113-174.1. General License required; general provisions governing licenses.**

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

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

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

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

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

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

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

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

41 (e) ~~Enforcement for Charterboats and Headboats.~~ – ~~An inspector or other law~~
42 ~~enforcement officer may only verify the licensure of an individual fishing from a~~
43 ~~charterboat or headboat after the charterboat or headboat has returned to shore and the~~
44 ~~individual has disembarked from the charterboat or headboat. Except as provided in~~

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

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

- 14 ~~(1) Engage in any activity regulated under this Article with an improper,~~
15 ~~false, or altered license.~~
- 16 ~~(2) Make any false, fraudulent, or misleading statement in applying for a~~
17 ~~license issued under this Article or Article 25A of this Chapter.~~
- 18 ~~(3) Counterfeit, alter, or falsify any application or license issued under this~~
19 ~~Article or Article 25A of this Chapter.~~

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

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

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

30 ~~"§ **113-174.2. Saltwater Coastal Recreational Fishing License.**~~

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

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

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

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

3 (1) ~~One-year SFL. Annual Resident CRFL.~~ – \$15.00. This license is valid
4 for a period of one year from the date of issuance. This license shall be
5 issued only to an individual who is a resident of the State.

6 (1a) Annual Nonresident CRFL. – \$30.00. This license is valid for a period
7 of one year from the date of issuance. This license shall be issued only
8 to an individual who is not a resident of the State.

9 (2) ~~Two-year SFL.~~ – \$30.00. This license is valid for a period of two years
10 ~~from the date of issuance.~~

11 (3) ~~Three-year SFL.~~ – \$45.00. This license is valid for a period of three
12 ~~years from the date of issuance.~~

13 (4) ~~Seven-day SFL. Ten-Day Resident CRFL.~~ – \$1.00;\$5.00. This license
14 is valid for a period of ~~seven consecutive days.~~ 10 consecutive days, as
15 indicated on the license. An individual may purchase this license only
16 once in any 12-month period. This license shall be issued only to an
17 individual who is a resident of the State.

18 (4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a
19 period of 10 consecutive days, as indicated on the license. This license
20 shall be issued only to an individual who is not a resident of the State.

21 (5) ~~Subsistence SFL.~~ – An applicant for a license under this subdivision
22 ~~shall provide to the Division a certification from the Department of~~
23 ~~Health and Human Services that the individual falls below the federal~~
24 ~~poverty level. A license issued under this subdivision shall be issued~~
25 ~~without charge and is valid for a period of one year from the date of~~
26 ~~issuance.~~

27 (6) ~~Lifetime SFL;CRFLs.~~ – This license is Except as provided in
28 sub-subdivision j. of this subdivision, CRFLs issued under this
29 subdivision are valid for the lifetime of the licensee. The fee for the
30 Lifetime SFL, based on the age of the prospective licensee as of the
31 date on which the application is filed with the Division, is:

32 a. ~~Younger than six years of age~~ – \$100.00

33 b. ~~Six years of age to younger than 11 years of age~~ – \$150.00

34 c. ~~11 years of age to younger than 18 years of age~~ – \$200.00

35 d. ~~18 years of age or older~~ – \$500.00

36 e. Infant Lifetime CRFL. – \$100.00. This license shall be issued
37 only to an individual younger than one year of age.

38 f. Youth Lifetime CRFL. – \$150.00. This license shall be issued
39 only to an individual who is one year of age or older but
40 younger than 12 years of age.

41 g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be
42 issued only to an individual who is 12 years of age or older but
43 younger than 70 years of age and who is a resident of the State.

- 1 h. Nonresident Adult Lifetime CRFL. – \$500.00. This license
2 shall be issued only to an individual who is 12 years of age or
3 older and who is not a resident of the State.
- 4 i. Resident Elderly Lifetime CRFL. – \$10.00. This license shall
5 be issued only to an individual who is 70 years of age or older
6 and who is a resident of the State.
- 7 j. Resident Disabled Veteran CRFL. – \$10.00. This license shall
8 be issued only to an individual who is a resident of the State and
9 who is a fifty percent (50%) or more disabled veteran as
10 determined by the United States Department of Veterans
11 Affairs. This license remains valid for the lifetime of the
12 licensee so long as the licensee remains fifty percent (50%) or
13 more disabled.
- 14 k. Resident Totally Disabled CRFL. – \$10.00. This license shall
15 be issued only to an individual who is a resident of the State and
16 who is totally and permanently disabled as determined by the
17 Social Security Administration.
- 18 (d) Exemptions. – An individual may engage in recreational fishing by means of
19 recreational gear without having purchased a SFL is exempt from the license
20 requirements of G.S. 113-174.1(a) if the individual is either:
- 21 (1) Is under 16 years of age. ~~18 years of age or younger and is currently~~
22 ~~enrolled in school and is making progress toward obtaining a high~~
23 ~~school diploma or its equivalent.~~
- 24 (2) Holds any of the following licenses that were purchased prior to
25 January 1, 2005:
- 26 a. Infant Lifetime Sportsman License issued under
27 G.S. 113-270.1D(b)(1).
- 28 b. Youth Lifetime Sportsman License issued under
29 G.S. 113-270.1D(b)(2).
- 30 c. Adult Resident Lifetime Sportsman License issued under
31 G.S. 113-270.1D(b)(3).
- 32 d. Nonresident Lifetime Sportsman License issued under
33 G.S. 113-270.1D(b)(4).
- 34 e. Age 70 Resident Lifetime Sportsman License issued under
35 G.S. 113-270.1D(b)(5).
- 36 f. Lifetime Resident Comprehensive Fishing License issued under
37 G.S. 113-271(d)(3).
- 38 g. Lifetime Combination Hunting and Fishing License for
39 Disabled Residents issued under G.S. 113-270.1C(b)(4).
- 40 h. Disabled Resident Sportsman License issued under
41 G.S. 113-270.1D(b)(6).
- 42 (3) Holds any of the following licenses:
- 43 a. Lifetime Fishing License for the Legally Blind issued under
44 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) <u>Vessel of 18 feet or less in length</u> | <u>\$150.00.</u> |
| 15 (2) <u>Vessel of greater than 18 feet in length</u>
16 <u>but 38 feet or less in length</u> | <u>\$250.00.</u> |
| 17 (3) <u>Vessel of greater than 38 feet in length</u>
18 <u>but 50 feet or less in length</u> | <u>\$350.00.</u> |
| 19 (4) <u>Vessel of greater than 50 feet in length</u> | <u>\$450.00.</u> |

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. The Wildlife Resources Commission shall consult with the Marine Fisheries
8 Commission and the Division of Marine Fisheries on the disbursement of the principal
9 of the Marine Resources Fund and marine resources investment income."

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

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

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

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

15 **"§ 113-175.5. North Carolina Marine Resources Endowment Fund.**

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

21 (1) Endowment license revenues.

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

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

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

30 (5) Transfers to the Endowment Fund.

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

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

40 (c) The Endowment Fund is declared to constitute a special trust derived from a
41 contractual relationship between the State and the members of the public whose
42 investments contribute to the Endowment Fund. In recognition of this special trust, all
43 of the following restrictions are placed on disbursement of funds held in the Endowment
44 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. The Wildlife Resources Commission
24 shall consult with the Marine Fisheries Commission and the Division of Marine
25 Fisheries on the disbursement of endowment investment income from the Marine
26 Resources Endowment Fund.

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

32 **"§ 113-175.6. Marine Resources Committee.**

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

40 **"§ 113-175.7. Report.**

41 The Executive Director of the Wildlife Resources Commission shall submit to the
42 Joint Legislative Commission on Seafood and Aquaculture by October 1 of each year a
43 report on the Marine Resources Fund and the Marine Resources Endowment Fund that

1 shall include the source and amounts of all moneys credited to each fund and the
2 purpose and amount of all disbursements from each fund during the prior fiscal year."

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

4 **"§ 113-270.1. License agents.**

5 (a) The Wildlife Resources Commission may by rule provide for the ~~annual~~
6 appointment of persons as license agents to sell licenses and permits ~~which it that the~~
7 Commission is authorized to issue by this Subchapter or by any other provisions of law.
8 To facilitate the convenience of the public, the efficiency of administration, the need to
9 keep statistics and records affecting the conservation of wildlife resources, boating,
10 water safety, and other matters within the jurisdiction of the Wildlife Resources
11 Commission, and the need to issue licenses and permits containing special restrictions,
12 the Wildlife Resources Commission may issue licenses and permits in any particular
13 category through:

- 14 (1) License agents.
- 15 (2) The Wildlife Resources Commission's headquarters.
- 16 (3) Employees of the Wildlife Resources Commission.
- 17 (4) Two or more such sources simultaneously.

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

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

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

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

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

- 38 (1) Select and appoint license agents in areas most convenient for the sale
39 of licenses and permits.
- 40 (2) Limit the number of license agents in an area if necessary for
41 efficiency of operation.
- 42 (3) Require prompt and accurate reporting and remittance of public funds
43 or documents by license agents.
- 44 (4) Conduct periodic and special audits of accounts.

1 (5) Suspend or terminate the authorization of any license agent found to be
2 noncompliant with rules adopted by the Wildlife Resources
3 Commission or when State funds or property are reasonably believed
4 to be in jeopardy.

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

9 (b3) The Wildlife Resources Commission is exempt from the contested case
10 provisions of Chapter 150B of the General Statutes with respect to determinations of
11 whether to authorize or terminate the authority of a person to sell licenses and permits
12 as a license agent of the Wildlife Resources Commission.

13 (b4) If any check or bank account draft of any license agent for the issuance of
14 licenses or permits shall be returned by the banking facility upon which the same is
15 drawn for lack of funds, the license agent shall be liable to the Commission for a
16 penalty of five percent (5%) of the amount of the check or bank account draft, but in no
17 event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars
18 (\$200.00). License agents shall be assessed a penalty of twenty-five percent (25%) of
19 their issuing fee on all remittances to the Commission after the fifteenth day of the
20 month immediately following the month of sale.

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

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

40 ~~(1) To withhold~~Withhold or misappropriate funds from the sale of
41 ~~licenses;~~licenses or permits.

42 ~~(2) To falsify~~Falsify records of licenses sold;or permits sold.

43 ~~(3) Wilfully~~Willfully and knowingly ~~to assist or allow a person to obtain~~
44 a license or permit for which he is ineligible;the person is ineligible.

- 1 (4) ~~Willfully to~~Willfully issue a backdated ~~license;~~license or permit.
- 2 (5) ~~Willfully on records or licenses to~~Willfully include false information or
3 omit material information as ~~to;~~on records, licenses, or permits
4 regarding either:
- 5 a. A person's entitlement to a particular ~~license;~~or license or
6 permit.
- 7 b. The applicability or term of a particular ~~license;~~or license or
8 permit.
- 9 (6) ~~To refuse to return all consigned licenses, or to remit the net value of~~
10 ~~consigned licenses sold or unaccounted for, upon demand from an~~
11 ~~authorized employee of the Wildlife Resources Commission.~~Charge or
12 accept any additional fee, remuneration, or other item of value in
13 association with any activity set out in subdivisions (1) through (5) of
14 this subsection.

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

32 (f) ~~If a hearing is requested, it is before the Executive Director or his designee to~~
33 ~~be held at Raleigh or some other place convenient to the parties specified by the~~
34 ~~Executive Director. The temporary suspension remains in effect until the hearing, and~~
35 ~~after the hearing may be rescinded or continued in effect, as the facts warrant, in the~~
36 ~~discretion of the Executive Director. A temporary suspension may not last longer than~~
37 ~~30 days, but additional suspensions may be imposed if at the end of the suspension~~
38 ~~period the license agent is still not in compliance with appropriate standards,~~
39 ~~qualifications, and administrative directives. A license agent may at any time after a~~
40 ~~hearing appeal his suspension to the Wildlife Resources Commission.~~

41 (g) ~~Notice of revocation or nonrenewal of the appointment may be sent the~~
42 ~~license agent in lieu of or in addition to temporary suspension. The notice must state the~~
43 ~~grounds for termination of the appointment and the license agent's right to a hearing if~~
44 ~~he has not previously been afforded one. If the appointment is to be revoked, the notice~~

1 must state the effective date and hour of revocation. If the appointment is not to be
2 renewed, the notice must state that the appointment expires at midnight on April 30. If
3 he has not been previously afforded a hearing, a license agent is entitled to a hearing
4 within 14 days before the Executive Director or his designee to be held at Raleigh or
5 some other place convenient to the parties specified by the Executive Director. After the
6 hearing, the Executive Director, applying appropriate standards, must take the action
7 with respect to the appointment as license agent that the facts warrant. If the Executive
8 Director upholds the decision to terminate the appointment, a license agent may appeal
9 his termination to the Wildlife Resources Commission. Pending the hearing and any
10 appeal from it, the termination is held in abeyance, but no license sales may be made
11 once the license agent's bond has expired.

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

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

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

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

39 "**§ 113-270.1C. Combination hunting and inland fishing licenses.**

40 (a) The combination hunting and inland fishing licenses set forth in subsection
41 (b) of this section entitle the holder-licensee to take, except on game lands, all wild birds
42 and wild animals, other than big game and waterfowl, by all lawful methods and in all
43 open seasons, and to fish with hook and line in all inland and joint fishing waters,
44 except public mountain trout waters. A combination hunting and inland fishing license

1 issued under this section does not entitle the licensee to engage in recreational fishing in
2 coastal fishing waters that are not joint fishing waters.

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

5 (1) Resident Annual Combination Hunting and Inland Fishing License –
6 \$20.00. This license shall be issued only to an individual resident of
7 the State.

8 (2), (3) Repealed by Session Laws 1997-326, s. 2.

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

24 (5) Resident Disabled Veteran 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 a fifty percent
27 (50%) or more disabled veteran as determined by the United States
28 Department of Veterans Affairs. This license remains valid for the
29 lifetime of the licensee so long as the licensee remains fifty percent
30 (50%) or more disabled. This license entitles the licensee to fish in
31 public mountain trout waters as provided in G.S. 113-272(a).

32 (6) Resident Totally Disabled Lifetime Combination Hunting and Inland
33 Fishing License – \$10.00. This license shall be issued only to an
34 individual who is a resident of the State and who is totally and
35 permanently disabled as determined by the Social Security
36 Administration. This license remains valid for the lifetime of the
37 licensee. This license entitles the licensee to fish in public mountain
38 trout waters as provided in G.S. 113-272(a)."

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

40 "**§ 113-270.1D. Sportsman licenses.**

41 (a) Annual Sportsman License – \$40.00. This license shall be issued only to an
42 individual resident of the State and entitles the ~~holder~~ licensee to take all wild animals
43 and wild birds, including waterfowl, by all lawful methods in all open seasons,
44 including the use of game lands, and to fish with hook and line for all fish in all inland

1 and joint fishing waters, including public mountain trout waters. An annual sportsman
2 license issued under this subsection does not entitle the licensee to engage in
3 recreational fishing in coastal fishing waters that are not joint fishing waters.

4 (b) Lifetime Sportsman Licenses. ~~Lifetime~~ Except as provided in subdivision (7)
5 of this subsection, lifetime sportsman licenses are valid for the lifetime of the holders
6 licensees. ~~and Lifetime sportsman licenses entitle the holders-licensees to take all wild~~
7 ~~animals and wild birds by all lawful methods in all open seasons, including the use of~~
8 ~~game lands, and to fish with hook and line for all fish in all inland and joint fishing~~
9 ~~waters, including public mountain trout waters. A lifetime sportsman license issued~~
10 under this subsection does not entitle the licensee to engage in recreational fishing in
11 coastal fishing waters that are not joint fishing waters. Lifetime sportsman licenses
12 issued by the Wildlife Resources Commission are:

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

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

1 **"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.**

2 (a) An inland hook-and-line fishing license issued under this section entitles the
3 licensee to fish with hook and line in inland fishing waters and joint fishing waters. An
4 inland hook-and-line fishing license issued under this section does not entitle the
5 licensee to engage in recreational fishing in coastal fishing waters that are not joint
6 fishing waters. An inland hook-and-line fishing license issued under subdivision (1),
7 (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee ~~All the~~
8 ~~hook and line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of~~
9 ~~subsection (d) of this section entitle the holder to fish with hook and line in public~~
10 mountain trout waters.

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

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

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

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

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

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

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

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

27 (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses
28 are valid only for the date or consecutive dates indicated on the
29 licenses. Short-term inland fishing licenses issued by the Wildlife
30 Resources Commission are:

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

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

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

37 (6a) Age 70 Resident Lifetime Inland Fishing License – \$10.00. This
38 license shall be issued only to an individual resident of the State who is
39 at least 70 years of age.

40 (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00.
41 This license shall be issued only to an individual who is a resident of
42 the State and who is a fifty percent (50%) or more disabled veteran as
43 determined by the United States Department of Veterans Affairs. This

1 license remains valid for the lifetime of the licensee so long as the
2 licensee remains fifty percent (50%) or more disabled.

3 (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00.
4 This license shall be issued only to an individual who is a resident of
5 the State and who is totally and permanently disabled as determined by
6 the Social Security Administration. This license remains valid for the
7 lifetime of the licensee.

8 (7) ~~Lifetime Fishing License for the Legally Blind — No charge. This~~
9 ~~license shall be issued only to an individual resident of the State who~~
10 ~~has been certified by the Department of Health and Human Services as~~
11 ~~a person whose vision with glasses is insufficient for use in ordinary~~
12 ~~occupations for which sight is essential. This license is valid for the~~
13 ~~life of the individual so long as he remains legally blind.~~

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

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

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

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

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

40 "(c1) Upon receipt of a proper application together with a fee of ~~two~~ five dollars
41 ~~(\$2.00), (\$5.00),~~ the Wildlife Resources Commission may issue a new license or permit
42 to replace one that has been lost or destroyed before its expiration. The application must
43 be on a form of the Wildlife Resources Commission setting forth information in

1 sufficient detail to allow ready identification of the lost or destroyed license or permit
2 and ascertainment of the applicant's continued entitlement to it."

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

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

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

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

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

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

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

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

19 "**§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license**
20 **requirements and exemptions.**

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

24 (1) [Reserved.]

25 (2) Regulate license requirements and exemptions applying to the taking
26 of wildlife on particular waters forming or lying across a county
27 boundary where there may be confusion as to the location of the
28 boundary, hardship imposed as to the location of the boundary, or
29 difficulty of administering or enforcing the law with respect to the
30 actual boundary location.

31 (3) Require persons subject to license requirements, and persons exempt
32 from license requirements, to carry, display, or produce identification
33 that may be necessary to substantiate the person's entitlement to a
34 particular license or to a particular exemption from license
35 requirements.

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

42 (5) Implement a system of tagging and reporting fur-bearing animals and
43 big game. Upon the implementation of a tagging system for any
44 species of fur-bearing animal, the Wildlife Resources Commission

1 may charge a reasonable fee to defray its costs, not to exceed two
2 dollars twenty-five cents (\$2.25) per tag, for each tag furnished. The
3 price of the big game hunting license includes the cost of big game
4 tags.

5 (b) Except as provided in this subsection, the Wildlife Resources Commission
6 shall not disclose personal information provided by an applicant for a license issued
7 under Article 14B, Article 21, or Article 25A of Chapter 113 of the General Statutes.
8 The Wildlife Resources Commission shall disclose to the Division of Marine Fisheries
9 and the Marine Fisheries Commission information on the holders of licenses issued
10 under Article 14B and Article 25A of Chapter 113 of the General Statutes."

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

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

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

26 The disability must be permanent, and ~~a person~~ an individual loses eligibility to
27 participate in the Disabled Sportsman Program when the specified disability ceases to
28 exist."

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

31 "Article 25A.

32 "Unified Licenses.

33 "**§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.**

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

35 (b) General Provisions Governing Licenses and Waivers. – The general
36 provisions governing licenses set out in G.S. 113-174.1 apply to licenses and waivers
37 issued under this section.

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

- 41 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing
42 License. – \$55.00. This license is valid for a period of one year from
43 the date of issuance. This license shall be issued only to an individual
44 who is a resident of the State. This license authorizes the licensee to

1 take all wild animals and wild birds, including waterfowl, by all lawful
2 methods in all open seasons, including the use of game lands; to fish
3 with hook and line for all fish in all inland fishing waters and joint
4 fishing waters, including public mountain trout waters; and to engage
5 in recreational fishing in coastal fishing waters.

6 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License.
7 – \$35.00. This license is valid for a period of one year from the date of
8 issuance. This license shall be issued only to an individual who is a
9 resident of the State. This license authorizes the licensee to fish with
10 hook and line for all fish in all inland fishing waters and joint fishing
11 waters, including public mountain trout waters, and to engage in
12 recreational fishing in coastal fishing waters.

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

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

25 b. Youth Lifetime Unified Sportsman/Coastal Recreational
26 Fishing License. – \$450.00. This license shall be issued only to
27 an individual who is one year of age or older but younger than
28 12 years of age.

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

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

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

41 f. Resident Disabled Veteran 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
44 who is a fifty percent (50%) or more disabled veteran as

1 determined by the United States Department of Veterans
2 Affairs. This license remains valid for the lifetime of the
3 licensee so long as the licensee remains fifty percent (50%) or
4 more disabled.

5 g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal
6 Recreational Fishing License. – \$110.00. This license shall be
7 issued only to an individual who is a resident of the State and
8 who is totally and permanently disabled as determined by the
9 Social Security Administration.

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

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

25 (4) Lifetime Unified Inland/Coastal Recreational Fishing License. –
26 \$450.00. This license is valid for the lifetime of the licensee and
27 authorizes the licensee to fish with hook and line for all fish in all
28 inland fishing waters and joint fishing waters, including public
29 mountain trout waters, and to engage in recreational fishing in coastal
30 fishing waters.

31 (d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License
32 Waiver. – A county department of social services shall issue a Resident Subsistence
33 Unified Inland/Coastal Recreational Fishing License Waiver to an individual who
34 receives benefits from Medicaid, Food Stamps, or Work First Family Assistance
35 through the county department of social services and who requests a waiver. County
36 departments of social services shall supply the Wildlife Resources Commission with the
37 name, mailing address, and telephone number of each individual who receives a waiver.
38 This waiver shall be issued at no charge. This waiver is valid for a period of one year
39 from the date of issuance. This waiver shall be issued only to an individual who is a
40 resident of the State. This waiver authorizes the waiver holder to fish with hook and line
41 for all fish in all inland fishing waters and joint fishing waters, except for public
42 mountain trout waters, and to engage in recreational fishing in coastal fishing waters."

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

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

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

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

12 ...

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

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

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

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

22 **SECTION 27.** The General Assembly finds that individuals who purchased
23 certain lifetime licenses issued by the Wildlife Resources Commission prior to January
24 1, 2005, had a reasonable expectation that these lifetime licenses would authorize these
25 licensees to engage in recreational fishing throughout the State and that these licensees
26 would not be required to purchase any additional license to engage in recreational
27 fishing in coastal waters during the lifetime of the licensee. In recognition of this
28 expectation, the General Assembly has provided in G.S. 113-174.2(d), as enacted by
29 Section 3 of this act, that the holders of these lifetime licenses are exempt from the
30 license requirement for engaging in recreational fishing in coastal fishing waters that
31 was established in S.L. 2004-187. The General Assembly further finds that, because the
32 holders of these lifetime licenses will be authorized to take marine resources from the
33 coastal fishing waters of the State under the provisions of this act, it is appropriate that a
34 portion of the revenues derived from the sale of these lifetime licenses should be
35 transferred to the Marine Resources Endowment Fund so that the endowment
36 investment income generated by the transferred license revenues will be used to
37 manage, restore, develop, cultivate, conserve, and enhance the marine resources of the
38 State. The General Assembly specifically finds that this transfer of funds is consistent
39 with the overall spirit, intent, and purpose underlying the creation of the Wildlife
40 Endowment Fund and the Marine Resources Endowment Fund. Therefore, in
41 accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three
42 million dollars (\$3,000,000) from the Wildlife Endowment Fund to the Marine
43 Resources Endowment Fund. This transfer shall be made in five equal installments of

1 six hundred thousand dollars (\$600,000) on the first day of March in 2006, 2007, 2008,
2 2009, and 2010.

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

- 5 (1) Qualifications of license agents.
- 6 (2) Duties of license agents.
- 7 (3) Methods and procedures to ensure accountability and security for
8 proceeds and unissued licenses and permits.
- 9 (4) Types and amounts of evidence that a license agent must submit to
10 relieve the agent of responsibility for losses due to occurrences beyond
11 the control of the agent.
- 12 (5) Any other reasonable requirement or condition that the Wildlife
13 Resources Commission deems necessary to expedite and control the
14 issuance of licenses and permits by license agents.

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

- 17 (1) Select and appoint license agents in areas most convenient for the sale
18 of licenses and permits.
- 19 (2) Limit the number of license agents in an area if necessary for
20 efficiency of operation.
- 21 (3) Require prompt and accurate reporting and remittance of public funds
22 or documents by license agents.
- 23 (4) Conduct periodic and special audits of accounts.
- 24 (5) Suspend or terminate the authorization of any license agent found to be
25 noncompliant with rules adopted by the Wildlife Resources
26 Commission or when State funds or property are reasonably believed
27 to be in jeopardy.
- 28 (6) Require the immediate surrender of all equipment, forms, licenses,
29 permits, records, and State funds and property, issued by or belonging
30 to the Wildlife Resources Commission, in the event of the termination
31 of a license agent.

32 **SECTION 29.** The first report required pursuant to G.S. 113-175.7, as
33 enacted by Section 10 of this act, is due by October 1, 2006.

34 **SECTION 30.** The repeal by this act of the statutory authority of the
35 Wildlife Resources Commission to issue a type of license shall not affect the authority
36 of an individual to whom a license of that type is issued prior to the effective date of the
37 repeal to engage in the activity that the repealed license type authorizes so long as the
38 license is otherwise valid.

39 **SECTION 31.** If any section or provision of this act is declared
40 unconstitutional or invalid by the courts, the unconstitutional or invalid section or
41 provision does not affect the validity of this act as a whole or any part of this act other
42 than the part declared to be unconstitutional or invalid.

43 **SECTION 32.** Sections 5, 6, 7, 8, 9, 10, 19, 20, 23, 25, 26, 28, 29, 30, 31,
44 and 32 of this act are effective when this act becomes law. Sections 15, 16, 21, and 24

1 of this act become effective January 1, 2006. Sections 1, 2, 3, 4, 12, 13, 14, 17, 18, 22,
2 and 27 of this act become effective March 1, 2006. Section 11 of this act is effective on
3 the date that all rules adopted by the Wildlife Resources Commission pursuant to
4 Section 28 of this act become effective, except that G.S. 113-270.1(b3) and (b4) become
5 effective January 1, 2006. Section 28 of this act expires on the date that all rules adopted
6 by the Wildlife Resources Commission pursuant to Section 28 of this act become
7 effective.