

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

4

SENATE BILL 1126  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/5/05  
Finance Committee Substitute Adopted 4/6/05  
Fourth Edition Engrossed 4/11/05

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.

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

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

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

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

6           **"§ 113-174.1. General License required; general provisions governing licenses.**

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

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

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

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

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

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

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

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

43           (e) ~~Enforcement for Charterboats and Headboats.~~ An inspector or other law  
44 ~~enforcement officer may only verify the licensure of an individual fishing from a~~

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

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

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

22 (g) Reporting Requirements. – A person licensed under this Article or Article  
23 25A of this Chapter shall comply with the biological data sampling and survey  
24 programs of the Marine Fisheries Commission and the Division.

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

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

32 "**§ 113-174.2. Saltwater Coastal Recreational Fishing License.**

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

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

42 (b) Purchase; Renewal. – Any license issued under this section may be purchased  
43 or renewed at designated offices of the Division; from the Division by mail, electronic

1 mail, the Internet, or telephone; or at locations designated by the North Carolina  
2 Saltwater Fishing Fund Board of Trustees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1           (3)  Holds any of the following licenses:  
2            a.  Lifetime Fishing License for the Legally Blind issued under  
3                 G.S. 113-271(d)(7).  
4            b.  Adult Care Home Resident Fishing License issued under  
5                 G.S. 113-271(d)(8)."

6           **SECTION 4.** Article 14B of Chapter 113 of the General Statutes is amended  
7 by adding two new sections to read:

8 **"§ 113-174.3. For Hire Blanket CRFL; enforcement.**

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

- |   |                   |
|---|-------------------|
| 17           (1) <u> Vessel of 18 feet or less in length</u>      | <u> \$150.00.</u> |
| 18           (2) <u> Vessel of greater than 18 feet in length</u> |                   |
| 19 <u> but 38 feet or less in length</u>                          | <u> \$250.00.</u> |
| 20           (3) <u> Vessel of greater than 38 feet in length</u> |                   |
| 21 <u> but 50 feet or less in length</u>                          | <u> \$350.00.</u> |
| 22           (4) <u> Vessel of greater than 50 feet in length</u> | <u> \$450.00.</u> |

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

33 **"§ 113-174.4. Ocean Fishing Pier Blanket CRFL.**

34            Ocean Fishing Pier Blanket CRFL. – A person who owns or operates an ocean  
35  fishing pier and who charges a fee to allow a person to engage in recreational fishing  
36  from the pier may purchase an Ocean Fishing Pier Blanket CRFL issued by the Division  
37  of Marine Fisheries. An Ocean Fishing Pier Blanket CRFL authorizes all individuals  
38  who do not hold a license issued under this Article or Article 25A of this Chapter to  
39  engage in recreational fishing in coastal fishing waters while on the pier. This license is  
40  valid for a period of one year from the date of issuance. The fee for an Ocean Fishing  
41  Pier Blanket CRFL is four dollars (\$4.00) per linear foot, to the nearest foot, that the  
42  pier extends into coastal fishing waters beyond the mean high waterline. The length of  
43  the pier shall be measured to include all extensions of the pier."

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

1 **"§ 113-175. Definitions.**

2 As used in this Article:

- 3 (1) ~~"Board of Trustees" means the Board of Trustees of the Fund.~~  
 4 (1a) "Endowment Fund" means the North Carolina Marine Resources  
 5 Endowment Fund.  
 6 (1b) "Endowment investment income" means interest and other income  
 7 earned from the investment of the principal of the Endowment Fund.  
 8 (1c) "Endowment license revenues" means the net proceeds from the sale  
 9 of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net  
 10 proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and  
 11 (4). The apportionment of the net proceeds from the sale of licenses  
 12 issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by  
 13 the Division of Marine Fisheries and the Wildlife Resources  
 14 Commission. In the event that the Division of Marine Fisheries and the  
 15 Wildlife Resources Commission cannot agree on the apportionment,  
 16 the Governor is authorized to determine the apportionment.  
 17 (2) ~~"Fund"~~"Marine Resources Fund" means the North Carolina Saltwater  
 18 ~~Fishing~~Marine Resources Fund.  
 19 (3) ~~"Investment"~~Marine resources investment income" means interest  
 20 earned from the investment of license revenues and the proceeds of  
 21 any gifts, grants, or contributions deposited in the principal of the  
 22 Marine Resources Fund.  
 23 (4) ~~"License"~~Marine resources license revenues" means the net proceeds  
 24 from the sale of Saltwater Fishing Licenseslicenses issued under  
 25 G.S. 113-174.2, Article 14B of this Chapter and a portion of the net  
 26 proceeds from the sale of licenses issued under Article 25A of this  
 27 Chapter, excluding endowment license revenues. The apportionment  
 28 of the net proceeds from the sale of licenses issued under Article 25A  
 29 of this Chapter shall be jointly determined by the Division of Marine  
 30 Fisheries and the Wildlife Resources Commission. In the event that the  
 31 Division of Marine Fisheries and the Wildlife Resources Commission  
 32 cannot agree on the apportionment, the Governor is authorized to  
 33 determine the apportionment. The term includes funds realized from  
 34 the sale, lease, rental, or other grant of rights to real or personal  
 35 property acquired or produced with license revenues and federal aid  
 36 project reimbursements to the extent that license revenues originally  
 37 funded the project for which the reimbursement is made."

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

39 **"§ 113-175.1. North Carolina Saltwater Fishing Fund, Marine Resources Fund.**

40 (a) There is hereby established the North Carolina ~~Saltwater Fishing~~Marine  
 41 Resources Fund as a nonreverting fund in the office of the State Treasurer. The purpose  
 42 of the Marine Resources Fund is to enhance the ~~fishery~~marine resources of the State ~~for~~  
 43 ~~commercial and recreational fishing.~~State. License revenues and the proceeds of any  
 44 ~~gifts, grants, and contributions to the State that are specifically designated for inclusion~~

1 ~~in the Fund shall be deposited in the Fund.~~ The principal of the Marine Resources Fund  
2 shall consist of:

- 3 (1) Marine resources license revenues.
- 4 (2) Proceeds of any gifts, grants, and contributions to the State that are  
5 specifically designated for inclusion in the Marine Resources Fund.
- 6 (3) Funds realized from the sale, lease, rental, or other grant of rights to  
7 real or personal property acquired or produced from funds disbursed  
8 from the Marine Resources Fund.
- 9 (4) Federal aid project reimbursements to the extent that funds disbursed  
10 from the Marine Resources Fund originally funded the project for  
11 which the reimbursement is made.

12 (b) The State Treasurer shall hold the Marine Resources Fund separate and apart  
13 from all other moneys, funds, and accounts. The State Treasurer shall invest the assets  
14 of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and  
15 G.S. 147-69.3. The State Treasurer shall disburse the principal of the Marine Resources  
16 Fund and marine resources investment income only upon the written direction of the  
17 Wildlife Resources Commission.

18 (c) The Wildlife Resources Commission may authorize the disbursement of the  
19 principal of the Marine Resources Fund and marine resources investment income only  
20 to manage, restore, develop, cultivate, conserve, and enhance the marine resources of  
21 the State. The Wildlife Resources Commission shall consult with the Marine Fisheries  
22 Commission and the Division of Marine Fisheries on the disbursement of the principal  
23 of the Marine Resources Fund and marine resources investment income."

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

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

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

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

29 **"§ 113-175.5. North Carolina Marine Resources Endowment Fund.**

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

- 35 (1) Endowment license revenues.
- 36 (2) Proceeds of any gifts, grants, and contributions to the State that are  
37 specifically designated for inclusion in the Endowment Fund.
- 38 (3) Funds realized from the sale, lease, rental, or other grant of rights to  
39 real or personal property acquired or produced from endowment  
40 investment income.
- 41 (4) Federal aid project reimbursements to the extent that endowment  
42 investment income originally funded the project for which the  
43 reimbursement is made.
- 44 (5) Transfers to the Endowment Fund.



1           (6) Any endowment investment income, marine resources investment  
2           income, or marine resources license revenue that is credited to the  
3           Endowment Fund for the purpose of increasing the principal of the  
4           Endowment Fund.

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

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

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

18           (2) No disbursements of the endowment investment income derived from  
19           the endowment license revenues generated by the sale of Infant  
20           Lifetime CRFLs under G.S. 113-174.2(c)(6)e., Youth Lifetime CRFLs  
21           under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified  
22           Sportsman/Coastal Recreational Fishing Licenses under  
23           G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal  
24           Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be  
25           made for any purpose until the respective licensees attain the age of 16  
26           years. The State Treasurer shall periodically make an actuarial  
27           determination as to the amount of endowment investment income  
28           within the Endowment Fund that remains encumbered by the  
29           restriction of this subdivision and the amount that is free of the  
30           restriction. The Executive Director of the Wildlife Resources  
31           Commission shall provide the State Treasurer with the information  
32           necessary to make this determination.

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

35          (d) The Wildlife Resources Commission may authorize the disbursement of  
36          endowment investment income only to manage, restore, develop, cultivate, conserve,  
37          and enhance the marine resources of the State. The Wildlife Resources Commission  
38          shall consult with the Marine Fisheries Commission and the Division of Marine  
39          Fisheries on the disbursement of endowment investment income from the Marine  
40          Resources Endowment Fund.

41          (e) Expenditure of the endowment investment income shall be made through the  
42          State budget accounts of the Wildlife Resources Commission in accordance with the  
43          provisions of the Executive Budget Act. The Endowment Fund is subject to the

1 oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General  
2 Statutes.

3 **"§ 113-175.6. Marine Resources Committee.**

4 The Chair of the Wildlife Resources Commission shall designate five members of  
5 the Wildlife Resources Commission who shall constitute the Marine Resources  
6 Committee of the Wildlife Resources Commission. The Marine Resources Committee  
7 shall advise the Wildlife Resources Commission on the disbursement of funds from the  
8 Marine Resources Fund pursuant to G.S. 113-175.1 and on the disbursement of  
9 endowment investment income from the Marine Resources Endowment Fund pursuant  
10 to G.S. 113-175.5.

11 **"§ 113-175.7. Report.**

12 The Executive Director of the Wildlife Resources Commission shall submit to the  
13 Joint Legislative Commission on Seafood and Aquaculture by October 1 of each year a  
14 report on the Marine Resources Fund and the Marine Resources Endowment Fund that  
15 shall include the source and amounts of all moneys credited to each fund and the  
16 purpose and amount of all disbursements from each fund during the prior fiscal year."

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

18 **"§ 113-270.1. License agents.**

19 (a) The Wildlife Resources Commission may by rule provide for the annual  
20 appointment of persons as license agents to sell licenses and permits ~~which it that the~~  
21 Commission is authorized to issue by this Subchapter or by any other provisions of law.  
22 To facilitate the convenience of the public, the efficiency of administration, the need to  
23 keep statistics and records affecting the conservation of wildlife resources, boating,  
24 water safety, and other matters within the jurisdiction of the Wildlife Resources  
25 Commission, and the need to issue licenses and permits containing special restrictions,  
26 the Wildlife Resources Commission may issue licenses and permits in any particular  
27 category through:

- 28 (1) License agents.
- 29 (2) The Wildlife Resources Commission's headquarters.
- 30 (3) Employees of the Wildlife Resources Commission.
- 31 (4) Two or more such sources simultaneously.

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

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

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

- 40 (1) Qualifications of the license agents.
- 41 (2) Duties of the license agents.
- 42 (3) Methods and procedures to ensure accountability and security for  
43 proceeds and unissued licenses and permits.

- 1           (4) Types and amounts of evidence that a license agent must submit to  
2           relieve the agent of responsibility for losses due to occurrences beyond  
3           the control of the agent.
- 4           (5) Any other reasonable requirement or condition that the Wildlife  
5           Resources Commission deems necessary to expedite and control the  
6           issuance of licenses and permits by license agents.
- 7           (b2) The Wildlife Resources Commission may adopt rules to authorize the  
8 Executive Director to take any of the following actions related to license agents:
- 9           (1) Select and appoint license agents in areas most convenient for the sale  
10           of licenses and permits.
- 11           (2) Limit the number of license agents in an area if necessary for  
12           efficiency of operation.
- 13           (3) Require prompt and accurate reporting and remittance of public funds  
14           or documents by license agents.
- 15           (4) Conduct periodic and special audits of accounts.
- 16           (5) Suspend or terminate the authorization of any license agent found to be  
17           noncompliant with rules adopted by the Wildlife Resources  
18           Commission or when State funds or property are reasonably believed  
19           to be in jeopardy.
- 20           (6) Require the immediate surrender of all equipment, forms, licenses,  
21           permits, records, and State funds and property, issued by or belonging  
22           to the Wildlife Resources Commission, in the event of the termination  
23           of a license agent.
- 24           (b3) The Wildlife Resources Commission is exempt from the contested case  
25 provisions of Chapter 150B of the General Statutes with respect to determinations of  
26 whether to authorize or terminate the authority of a person to sell licenses and permits  
27 as a license agent of the Wildlife Resources Commission.
- 28           (b4) If any check or bank account draft of any license agent for the issuance of  
29 licenses or permits shall be returned by the banking facility upon which the same is  
30 drawn for lack of funds, the license agent shall be liable to the Commission for a  
31 penalty of five percent (5%) of the amount of the check or bank account draft, but in no  
32 event shall the penalty be less than five dollars (\$5.00) or more than two hundred dollars  
33 (\$200.00). License agents shall be assessed a penalty of twenty-five percent (25%) of  
34 their issuing fee on all remittances to the Commission after the fifteenth day of the  
35 month immediately following the month of sale.
- 36           ~~(c) The Wildlife Resources Commission may provide qualifications and~~  
37 ~~standards concerning license agents and delegate to the Executive Director the task of~~  
38 ~~appointment and supervision. Annual appointments run from May 1 to April 30 each~~  
39 ~~year. The Wildlife Resources Commission may require license agents to post bonds,~~  
40 ~~keep records and make reports concerning licenses and receipts, be subject to such~~  
41 ~~audits and inspections as may be necessary, and pay a penalty of five percent (5%) on~~  
42 ~~any worthless checks given the Wildlife Resources Commission. The minimum penalty~~  
43 ~~for a worthless check, however, is five dollars (\$5.00), and the maximum penalty is two~~  
44 ~~hundred dollars (\$200.00). The Wildlife Resources Commission shall require license~~

1 agents to pay penalties of twenty five percent (25%) of the agents' fees on any license  
2 fees remitted to the Commission after the fifteenth day of the month immediately  
3 following the month of sale.

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

- 11 (1) ~~To withhold~~Withhold or misappropriate funds from the sale of  
12 ~~licenses;licenses or permits.~~
- 13 (2) ~~To falsify~~Falsify records of licenses sold;or permits sold.
- 14 (3) ~~Wilfully~~Willfully and knowingly ~~to assist or allow a person to obtain~~  
15 ~~a license or permit for which he is ineligible;the person is ineligible.~~
- 16 (4) ~~Wilfully to~~Willfully issue a backdated license;license or permit.
- 17 (5) ~~Wilfully on records or licenses to~~Willfully include false information or  
18 ~~omit material information as to;on records, licenses, or permits~~  
19 ~~regarding either:~~
  - 20 a. A person's entitlement to a particular license;~~or~~license or  
21 permit.
  - 22 b. The applicability or term of a particular license;~~or~~license or  
23 permit.
- 24 (6) ~~To refuse to return all consigned licenses, or to remit the net value of~~  
25 ~~consigned licenses sold or unaccounted for, upon demand from an~~  
26 ~~authorized employee of the Wildlife Resources Commission.~~Charge or  
27 accept any additional fee, remuneration, or other item of value in  
28 association with any activity set out in subdivisions (1) through (5) of  
29 this subsection.

30 (e) ~~The Executive Director may temporarily suspend, revoke, or refuse to renew~~  
31 ~~a person's appointment as a license agent if he fails in a timely manner to submit~~  
32 ~~required reports, remit moneys due the Wildlife Resources Commission, or otherwise~~  
33 ~~comply with the qualifications and standards set by the Wildlife Resources Commission~~  
34 ~~or with reasonable administrative directives of the Executive Director. The temporary~~  
35 ~~suspension is effective immediately upon communication of that fact to the license~~  
36 ~~agent or his representative handling the licenses. The communication as to suspension~~  
37 ~~must state the grounds for suspension and that the license agent may request a hearing~~  
38 ~~within five working days if he contests the grounds for suspension. If not in writing, the~~  
39 ~~communication must be followed by written notice of suspension containing the same~~  
40 ~~information. By personal service of an impoundment order upon a license agent or his~~  
41 ~~representative handling the licenses, an employee or agent of the Wildlife Resources~~  
42 ~~Commission may enter the premises and impound all licenses, moneys, record books,~~  
43 ~~reports, license forms, and other documents, ledgers, and materials pertinent or~~  
44 ~~apparently pertinent to the license agency being suspended. The Executive Director~~

1 must make the impounded property, or copies of it, available to the licensee during the  
2 period of temporary suspension.

3 (f) If a hearing is requested, it is before the Executive Director or his designee to  
4 be held at Raleigh or some other place convenient to the parties specified by the  
5 Executive Director. The temporary suspension remains in effect until the hearing, and  
6 after the hearing may be rescinded or continued in effect, as the facts warrant, in the  
7 discretion of the Executive Director. A temporary suspension may not last longer than  
8 30 days, but additional suspensions may be imposed if at the end of the suspension  
9 period the license agent is still not in compliance with appropriate standards,  
10 qualifications, and administrative directives. A license agent may at any time after a  
11 hearing appeal his suspension to the Wildlife Resources Commission.

12 (g) Notice of revocation or nonrenewal of the appointment may be sent the  
13 license agent in lieu of or in addition to temporary suspension. The notice must state the  
14 grounds for termination of the appointment and the license agent's right to a hearing if  
15 he has not previously been afforded one. If the appointment is to be revoked, the notice  
16 must state the effective date and hour of revocation. If the appointment is not to be  
17 renewed, the notice must state that the appointment expires at midnight on April 30. If  
18 he has not been previously afforded a hearing, a license agent is entitled to a hearing  
19 within 14 days before the Executive Director or his designee to be held at Raleigh or  
20 some other place convenient to the parties specified by the Executive Director. After the  
21 hearing, the Executive Director, applying appropriate standards, must take the action  
22 with respect to the appointment as license agent that the facts warrant. If the Executive  
23 Director upholds the decision to terminate the appointment, a license agent may appeal  
24 his termination to the Wildlife Resources Commission. Pending the hearing and any  
25 appeal from it, the termination is held in abeyance, but no license sales may be made  
26 once the license agent's bond has expired.

27 (h) Upon termination of the appointment, the former agent must return to the  
28 Wildlife Resources Commission all record books, reports, license forms, moneys, and  
29 other property pertaining to the license agency, and must allow agents of the Wildlife  
30 Resources Commission to conduct necessary inspections and audits required in  
31 terminating the license agency. Each day's refusal after termination to return, upon  
32 demand, the record books, reports, license forms, moneys, and other property pertaining  
33 to the license agency is a separate offense. Each instance of refusal, after termination, to  
34 allow agents of the Wildlife Resources Commission to conduct necessary inspections  
35 and audits during regular business hours is a separate offense. A violation of this  
36 subsection is a Class 2 misdemeanor. Before termination, violations by license agents  
37 are punishable under G.S. 113-135, subsection (d) above, or other provision of this  
38 Subchapter, as appropriate.

39 (i) No person denied appointment or whose appointment was terminated under  
40 this section is eligible to apply again for an appointment as a license agent for two  
41 years. Upon application, the executive director may not grant the appointment as license  
42 agent unless the applicant produces clear evidence, convincing to the Executive  
43 Director, that he meets all standards and qualifications and will comply with all

1 requirements of statutes, rules, and reasonable administrative directives pertaining to  
2 license agents.

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

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

11 "**§ 113-270.1C. Combination hunting and inland fishing licenses.**

12 (a) The combination hunting and inland fishing licenses set forth in subsection  
13 (b) of this section entitle the ~~holder~~ licensee to take, except on game lands, all wild birds  
14 and wild animals, other than big game and waterfowl, by all lawful methods and in all  
15 open seasons, and to fish with hook and line in all inland and joint fishing waters,  
16 except public mountain trout waters. A combination hunting and inland fishing license  
17 issued under this section does not entitle the licensee to engage in recreational fishing in  
18 coastal fishing waters that are not joint fishing waters.

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

21 (1) Resident Annual Combination Hunting and Inland Fishing License –  
22 \$20.00. This license shall be issued only to an individual resident of  
23 the State.

24 (2), (3) Repealed by Session Laws 1997-326, s. 2.

25 (4) ~~Lifetime Combination Hunting and Fishing License for Disabled  
26 Residents – \$10.00. This license shall be issued only to (i) an  
27 individual resident of the State who is a fifty percent (50%) or more  
28 disabled veteran as determined by the United States Department of  
29 Veterans Affairs, remaining valid for the lifetime of the individual so  
30 long as the individual remains fifty percent (50%) or more disabled; or  
31 (ii) an individual resident of the State who is totally disabled,  
32 remaining valid for the lifetime of the individual so long as the  
33 individual remains totally disabled. For purposes of this section,  
34 "totally disabled" means physically incapable of being gainfully  
35 employed. The application form for this license, to be provided by the  
36 Wildlife Resources Commission, allows a person to apply only for the  
37 fishing privileges conveyed by the license. This license entitles the  
38 holder to fish in public mountain trout waters as provided in  
39 G.S. 113-272(a).~~

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

1 lifetime of the licensee so long as the licensee remains fifty percent  
2 (50%) or more disabled. This license entitles the licensee to fish in  
3 public mountain trout waters as provided in G.S. 113-272(a).

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

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

12 **"§ 113-270.1D. Sportsman licenses.**

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

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

- 29 (1) Infant Lifetime Sportsman License – \$200.00. This license shall be  
30 issued only to an individual under one year of age.
- 31 (2) Youth Lifetime Sportsman License – \$350.00. This license shall be  
32 issued only to an individual under 12 years of age.
- 33 (3) Adult Resident Lifetime Sportsman License – \$500.00. This license  
34 shall be issued only to an individual resident of the State.
- 35 (4) Nonresident Lifetime Sportsman License – \$1,000. This license shall  
36 be issued only to an individual nonresident of the State.
- 37 (5) Age 70 Resident Lifetime Sportsman License – \$10.00. This license  
38 shall be issued only to an individual resident of the State who is at  
39 least 70 years of age.
- 40 (6) ~~Disabled Resident Sportsman License – \$100.00. This license shall be~~  
41 ~~issued only to (i) an individual resident of the State who is a fifty~~  
42 ~~percent (50%) or more disabled veteran as determined by the United~~  
43 ~~States Department of Veterans Affairs, remaining valid for the lifetime~~  
44 ~~of the individual so long as the individual remains fifty percent (50%)~~

1 or more disabled; or (ii) an individual resident of the State who is  
2 totally disabled, remaining valid for the lifetime of the individual so  
3 long as the individual remains totally disabled. For purposes of this  
4 section, "totally disabled" means physically incapable of being  
5 gainfully employed.

6 (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00.  
7 This license shall be issued only to an individual who is a resident of  
8 the State and who is a fifty percent (50%) or more disabled veteran as  
9 determined by the United States Department of Veterans Affairs. This  
10 license remains valid for the lifetime of the licensee so long as the  
11 licensee remains fifty percent (50%) or more disabled.

12 (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00.  
13 This license shall be issued only to an individual who is a resident of  
14 the State and who is totally and permanently disabled as determined by  
15 the Social Security Administration."

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

17 **"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.**

18 (a) An inland hook-and-line fishing license issued under this section entitles the  
19 licensee to fish with hook and line in inland fishing waters and joint fishing waters. An  
20 inland hook-and-line fishing license issued under this section does not entitle the  
21 licensee to engage in recreational fishing in coastal fishing waters that are not joint  
22 fishing waters. An inland hook-and-line fishing license issued under subdivision (1),  
23 (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee ~~All the~~  
24 ~~hook and line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of~~  
25 ~~subsection (d) of this section entitle the holder to fish with hook and line in public~~  
26 ~~mountain trout waters.~~

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

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

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

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

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

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

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

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

43 (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses  
44 are valid only for the date or consecutive dates indicated on the



1 licenses. Short-term inland fishing licenses issued by the Wildlife  
2 Resources Commission are:

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

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

7 e. ~~Nonresident three-day~~—\$15.00. ~~This license shall be issued~~  
8 ~~only to a nonresident of the State.~~

9 (6a) Age 70 Resident Lifetime Inland Fishing License – \$10.00. This  
10 license shall be issued only to an individual resident of the State who is  
11 at least 70 years of age.

12 (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00.  
13 This license shall be issued only to an individual who is a resident of  
14 the State and who is a fifty percent (50%) or more disabled veteran as  
15 determined by the United States Department of Veterans Affairs. This  
16 license remains valid for the lifetime of the licensee so long as the  
17 licensee remains fifty percent (50%) or more disabled.

18 (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00.  
19 This license shall be issued only to an individual who is a resident of  
20 the State and who is totally and permanently disabled as determined by  
21 the Social Security Administration. This license remains valid for the  
22 lifetime of the licensee.

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

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

34 (9) Special Guest Inland Fishing License – \$50.00. This license shall be  
35 issued only to the owner or lessee of private property bordering inland  
36 or joint fishing waters, including public mountain trout waters, and  
37 entitles ~~persons~~individuals to fish from the shore or any pier or dock  
38 originating from the property without any additional fishing license.  
39 This license is applicable only to private property and private docks  
40 and piers and is not valid for any public property, pier, or dock nor for  
41 any private property, pier, or dock operated for any commercial  
42 purpose whatsoever. The guest fishing license shall not be in force  
43 unless displayed on the premises of the property and only entitles  
44 fishing without additional license to ~~persons~~individuals fishing from

1 the licensed property and then only when fishing within the private  
2 property lines. The guest fishing license is not transferable as to person  
3 or location."

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

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

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

11 "(c1) Upon receipt of a proper application together with a fee of ~~two~~ five dollars  
12 ~~(\$2.00); (\$5.00),~~ the Wildlife Resources Commission may issue a new license or permit  
13 to replace one that has been lost or destroyed before its expiration. The application must  
14 be on a form of the Wildlife Resources Commission setting forth information in  
15 sufficient detail to allow ready identification of the lost or destroyed license or permit  
16 and ascertainment of the applicant's continued entitlement to it."

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

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

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

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

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

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

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

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

33 **"§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license**  
34 **requirements and exemptions.**

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

38 (1) [Reserved.]

39 (2) Regulate license requirements and exemptions applying to the taking  
40 of wildlife on particular waters forming or lying across a county  
41 boundary where there may be confusion as to the location of the  
42 boundary, hardship imposed as to the location of the boundary, or  
43 difficulty of administering or enforcing the law with respect to the  
44 actual boundary location.

- 1 (3) Require persons subject to license requirements, and persons exempt  
 2 from license requirements, to carry, display, or produce identification  
 3 that may be necessary to substantiate the person's entitlement to a  
 4 particular license or to a particular exemption from license  
 5 requirements.
- 6 (4) Require individuals aboard vessels or carrying weapons or other gear  
 7 that may be used to take wildlife resources, and in an area at a time  
 8 wildlife resources may be taken, to exhibit identification that includes  
 9 the individual's name and current address. More than one piece of  
 10 identification, including a vehicle driver license, may be required to be  
 11 exhibited, if available.
- 12 (5) Implement a system of tagging and reporting fur-bearing animals and  
 13 big game. Upon the implementation of a tagging system for any  
 14 species of fur-bearing animal, the Wildlife Resources Commission  
 15 may charge a reasonable fee to defray its costs, not to exceed two  
 16 dollars twenty-five cents (\$2.25) per tag, for each tag furnished. The  
 17 price of the big game hunting license includes the cost of big game  
 18 tags.

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

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

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

- 29 (1) ~~Amputation of~~ Missing fifty percent (50%) or more of one or more  
 30 ~~limbs;~~ limbs, whether by amputation or natural causes.
- 31 (2) Paralysis of one or more ~~limbs;~~ limbs.
- 32 (3) Dysfunction of one or more limbs rendering the ~~person~~ individual  
 33 unable to perform the tasks of grasping and lifting with the hands and  
 34 arms or unable to walk without mechanical assistance, other than a  
 35 ~~eane;~~ cane.
- 36 (4) Disease, injury, or defect confining the ~~person~~ individual to a  
 37 wheelchair, walker, or ~~erutches;~~ crutches.
- 38 (5) Legal ~~deafness;~~ or deafness.
- 39 (6) Legal blindness, for purposes of participation in disabled fishing only.

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

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

1 "Article 25A.

2 "Unified Licenses.

3 "**§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.**

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

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

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

11 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing  
12 License. – \$55.00. This license is valid for a period of one year from  
13 the date of issuance. This license shall be issued only to an individual  
14 who is a resident of the State. This license authorizes the licensee to  
15 take all wild animals and wild birds, including waterfowl, by all lawful  
16 methods in all open seasons, including the use of game lands; to fish  
17 with hook and line for all fish in all inland fishing waters and joint  
18 fishing waters, including public mountain trout waters; and to engage  
19 in recreational fishing in coastal fishing waters.

20 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License.  
21 – \$35.00. This license is valid for a period of one year from the date of  
22 issuance. This license shall be issued only to an individual who is a  
23 resident of the State. This license authorizes the licensee to fish with  
24 hook and line for all fish in all inland fishing waters and joint fishing  
25 waters, including public mountain trout waters, and to engage in  
26 recreational fishing in coastal fishing waters.

27 (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. –  
28 Except as provided in sub-subdivisions f., h., and i. of this subdivision,  
29 a license issued under this subdivision is valid for the lifetime of the  
30 licensee. A license issued under this subdivision authorizes the  
31 licensee to take all wild animals and wild birds, including waterfowl,  
32 by all lawful methods in all open seasons, including the use of game  
33 lands; to fish with hook and line for all fish in all inland fishing waters  
34 and joint fishing waters, including public mountain trout waters; and to  
35 engage in recreational fishing in coastal fishing waters.

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

39 b. Youth Lifetime Unified Sportsman/Coastal Recreational  
40 Fishing License. – \$450.00. This license shall be issued only to  
41 an individual who is one year of age or older but younger than  
42 12 years of age.

43 c. Resident Adult Lifetime Unified Sportsman/Coastal  
44 Recreational Fishing License. – \$675.00. This license shall be

- 1                    issued only to an individual who is 12 years of age or older but  
2                    younger than 70 years of age and who is a resident of the State.
- 3                    d.                Nonresident Adult Lifetime Unified Sportsman/Coastal  
4                    Recreational Fishing License. – \$1,350. This license shall be  
5                    issued only to an individual who is 12 years of age or older and  
6                    who is not a resident of the State.
- 7                    e.                Resident Elderly Lifetime Unified Sportsman/Coastal  
8                    Recreational Fishing License. – \$20.00. This license shall be  
9                    issued only to an individual who is 70 years of age or older and  
10                   who is a resident of the State.
- 11                   f.                Resident Disabled Veteran Lifetime Unified Sportsman/Coastal  
12                   Recreational Fishing License. – \$110.00. This license shall be  
13                   issued only to an individual who is a resident of the State and  
14                   who is a fifty percent (50%) or more disabled veteran as  
15                   determined by the United States Department of Veterans  
16                   Affairs. This license remains valid for the lifetime of the  
17                   licensee so long as the licensee remains fifty percent (50%) or  
18                   more disabled.
- 19                   g.                Resident Totally Disabled Lifetime Unified Sportsman/Coastal  
20                   Recreational Fishing License. – \$110.00. This license shall be  
21                   issued only to an individual who is a resident of the State and  
22                   who is totally and permanently disabled as determined by the  
23                   Social Security Administration.
- 24                   h.                Resident Legally Blind Lifetime Unified Sportsman/Coastal  
25                   Recreational Fishing License. – No charge. This license shall be  
26                   issued only to an individual who is a resident of the State and  
27                   who has been certified by the Department of Health and Human  
28                   Services as an individual whose vision with glasses is  
29                   insufficient for use in ordinary occupations for which sight is  
30                   essential. This license remains valid for the lifetime of the  
31                   licensee so long as the licensee remains legally blind.
- 32                   i.                Resident Adult Care Home Lifetime Unified Sportsman/Coastal  
33                   Recreational Fishing License. – No charge. This license shall be  
34                   issued only to an individual who is a resident of the State and  
35                   who resides in an adult care home as defined in  
36                   G.S. 131D-2(a)(1b) or G.S. 131E-101(1). This license remains  
37                   valid for the lifetime of the licensee so long as the licensee  
38                   remains a resident of an adult care home.
- 39                   (4)            Lifetime Unified Inland/Coastal Recreational Fishing License. –  
40                   \$450.00. This license is valid for the lifetime of the licensee and  
41                   authorizes the licensee to fish with hook and line for all fish in all  
42                   inland fishing waters and joint fishing waters, including public  
43                   mountain trout waters, and to engage in recreational fishing in coastal  
44                   fishing waters.

1       (d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License  
2 Waiver. – A county department of social services shall issue a Resident Subsistence  
3 Unified Inland/Coastal Recreational Fishing License Waiver to an individual who  
4 receives benefits from Medicaid, Food Stamps, or Work First Family Assistance  
5 through the county department of social services and who requests a waiver. County  
6 departments of social services shall supply the Wildlife Resources Commission with the  
7 name, mailing address, and telephone number of each individual who receives a waiver.  
8 This waiver shall be issued at no charge. This waiver is valid for a period of one year  
9 from the date of issuance. This waiver shall be issued only to an individual who is a  
10 resident of the State. This waiver authorizes the waiver holder to fish with hook and line  
11 for all fish in all inland fishing waters and joint fishing waters, except for public  
12 mountain trout waters, and to engage in recreational fishing in coastal fishing waters."

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

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

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

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

25       ...

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

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

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

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

35       **SECTION 27.** The General Assembly finds that individuals who purchased  
36 certain lifetime licenses issued by the Wildlife Resources Commission prior to January  
37 1, 2005, had a reasonable expectation that these lifetime licenses would authorize these  
38 licensees to engage in recreational fishing throughout the State and that these licensees  
39 would not be required to purchase any additional license to engage in recreational  
40 fishing in coastal waters during the lifetime of the licensee. In recognition of this  
41 expectation, the General Assembly has provided in G.S. 113-174.2(d), as enacted by  
42 Section 3 of this act, that the holders of these lifetime licenses are exempt from the  
43 license requirement for engaging in recreational fishing in coastal fishing waters that  
44 was established in S.L. 2004-187. The General Assembly further finds that, because the

1 holders of these lifetime licenses will be authorized to take marine resources from the  
2 coastal fishing waters of the State under the provisions of this act, it is appropriate that a  
3 portion of the revenues derived from the sale of these lifetime licenses should be  
4 transferred to the Marine Resources Endowment Fund so that the endowment  
5 investment income generated by the transferred license revenues will be used to  
6 manage, restore, develop, cultivate, conserve, and enhance the marine resources of the  
7 State. The General Assembly specifically finds that this transfer of funds is consistent  
8 with the overall spirit, intent, and purpose underlying the creation of the Wildlife  
9 Endowment Fund and the Marine Resources Endowment Fund. Therefore, in  
10 accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three  
11 million dollars (\$3,000,000) from the Wildlife Endowment Fund to the Marine  
12 Resources Endowment Fund. This transfer shall be made in five equal installments of  
13 six hundred thousand dollars (\$600,000) on the first day of March in 2006, 2007, 2008,  
14 2009, and 2010.

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

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

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

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

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

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

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

12           **SECTION 32.** Sections 5, 6, 7, 8, 9, 10, 19, 20, 23, 25, 26, 28, 29, 30, 31,  
13 and 32 of this act are effective when this act becomes law. Sections 15, 16, 21, and 24  
14 of this act become effective January 1, 2006. Sections 1, 2, 3, 4, 12, 13, 14, 17, 18, 22,  
15 and 27 of this act become effective March 1, 2006. Section 11 of this act is effective on  
16 the date that all rules adopted by the Wildlife Resources Commission pursuant to  
17 Section 28 of this act become effective, except that G.S. 113-270.1(b3) and (b4) become  
18 effective January 1, 2006. Section 28 of this act expires on the date that all rules adopted  
19 by the Wildlife Resources Commission pursuant to Section 28 of this act become  
20 effective.