

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1293

Short Title: Wildlife Resources Comm. Fees/Licenses.

(Public)

Sponsors: Senators Swindell; and Malone.

Referred to: Finance.

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO INCREASE FEES CHARGED BY THE WILDLIFE RESOURCES COMMISSION, TO AUTHORIZE FIELD TRIAL PERMITS, TO INCREASE THE COST OF COLLECTION LICENSES, GAME BIRD PROPAGATION LICENSES, AND CAPTIVITY LICENSES, TO AUTHORIZE WILDLIFE DAMAGE CONTROL AGENT LICENSES, TO ESTABLISH ANTLERLESS DEER LICENSES, TO ESTABLISH HUNTING HERITAGE AND FISHING HERITAGE LICENSES, AND TO MAKE OTHER CHANGES TO THE FEES AND LICENSES OF THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-274 reads as rewritten:

"§ 113-274. Permits.

(a) As used in this Article, the word "permit" refers to a written authorization issued ~~without charge~~ by an employee or agent of the Wildlife Resources Commission to an individual or a person to conduct some activity over which the Wildlife Resources Commission has jurisdiction. When sale of wildlife resources is permitted, rules or the directives of the Executive Director may require the retention of invoices or copies of invoices in lieu of a permit. The Wildlife Resources Commission may charge a ten dollar (\$10.00) fee to defray the cost of processing applications for permits. A fee shall not be charged for issuance of a depredation permit.

(b) Except as otherwise specifically provided, no one may engage in any activity for which a permit is required without having first procured a current and valid permit.

(c) The Wildlife Resources Commission may issue the following permits:

(1) Repealed by Session Laws 1979, c. 830, s. 1.

(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the

1 permit is valid, plus other restrictions that may be administratively
2 imposed in accordance with rules of the Wildlife Resources
3 Commission. No depredation permit or any license is needed for the
4 owner or lessee of property to take wildlife while committing
5 depredations upon the property. The Wildlife Resources Commission
6 may regulate the manner of taking and the disposition of wildlife taken
7 without permit or license, including wildlife killed accidentally by
8 motor vehicle or in any other manner.

9 (1b) Captivity Permit. – Authorizes the possession of live wildlife that may
10 lawfully be permitted to be retained alive, in accordance with
11 governing rules of the Wildlife Resources Commission. This permit
12 may not substitute for any required collection license or captivity
13 license, but may be temporarily issued for possession of wild animals
14 or wild birds pending action on a captivity license or following its
15 denial or termination. If this permit is issued for fish to be held
16 indefinitely, the Wildlife Resources Commission may provide for
17 periodic renewals of the permit, at least once each three years, to
18 insure a review of the circumstances and conditions under which fish
19 are kept. Wild animals and wild birds kept temporarily in captivity
20 under this permit must be humanely treated and in accordance with
21 any stipulations in the permit, but the standards of caging and care
22 applicable to species kept under the captivity license do not apply
23 unless specified in the permit. Any substantial deviation from
24 reasonable requirements imposed by rule or administratively under the
25 authority of this section renders the possession of the wildlife
26 unlawful.

27 (1c) Possession Permit. – Authorizes the possession of dead wildlife or
28 other wildlife resources lawfully acquired. The Wildlife Resources
29 Commission may by rule implement the issuance and supervision of
30 this permit, in accordance with governing laws and rules respecting the
31 possession of wildlife. Any substantial deviation from reasonable
32 requirements imposed by rule or administratively under the authority
33 of this section renders the possession of the wildlife unlawful.

34 (2) Transportation Permit. – The Wildlife Resources Commission may
35 require the use of transportation permits by persons required to be
36 licensed under this Article, or by persons and individuals exempt from
37 license requirements, while transporting wildlife resources within the
38 State – as necessary to discourage unlawful taking or dealing in
39 wildlife resources and to control and promote the orderly and
40 systematic transportation of wildlife resources within, into, through,
41 and out of the State. Transportation permits may be issued for wildlife
42 transported either dead or alive, in accordance with restrictions that
43 may be reasonably imposed. When convenient, rules or administrative
44 directives may require the retention and use of an invoice or

1 memorandum of sale, or the license or permit authorizing the taking or
2 acquisition of the wildlife resources, as a transportation permit. When
3 circumstances warrant, however, a separate additional transportation
4 permit may be required. Any substantial deviation from reasonable
5 requirements imposed by rule or administratively under the authority
6 of this section renders the transportation of the wildlife resources
7 unlawful.

8 (3) Exportation or Importation Permit. – Authorizes the exportation or
9 importation of wildlife resources from or into the State or from county
10 to county. The Wildlife Resources Commission may by rule
11 implement the issuance and supervision of this permit, in accordance
12 with governing laws and rules respecting the exportation and
13 importation of wildlife resources. Any substantial deviation from
14 reasonable requirements imposed by rule or administratively under the
15 authority of this section renders the importation or exportation of the
16 wildlife resources unlawful.

17 (3a) Trophy Wildlife Sale Permit. – Authorizes the owner of lawfully taken
18 and possessed dead wildlife specimens or their parts that are mounted,
19 stuffed, or otherwise permanently preserved to sell identified
20 individual specimens that may lawfully be sold under applicable laws
21 and rules.

22 (3b) Repealed by Session Laws 1993, c. 18, s. 4.

23 (4) Other Permits. – In implementing the provisions of this Subchapter,
24 the Wildlife Resources Commission may issue permits for taking,
25 purchase, or sale of wildlife resources if the activity is lawfully
26 authorized, if there is a need for control of the activity, and no other
27 license or permit is applicable. In addition, if a specific statute so
28 provides, a permit under this subdivision may be required in addition
29 to a license when there is a need for closer control than provided by
30 the license.

31 (5) Field Trial Permit. – Authorizes the holder to organize a field trial with
32 dogs in areas and at times approved by the Wildlife Resources
33 Commission and with the use of approved weapons and ammunition.
34 The Wildlife Resources Commission may by rule implement the
35 issuance and supervision of this permit, in accordance with governing
36 laws and rules respecting the taking of wildlife and the use of dogs.
37 This permit may be issued by the Wildlife Resources Commission for
38 a fee of twenty-five dollars (\$25.00) for North Carolina residents and
39 fifty dollars (\$50.00) for nonresidents per field trial."

40 **SECTION 2.** G.S. 113-272.4(c) reads as rewritten:

41 "(c) When a more limited duration period is not set by the Executive Director in
42 implementing the rules of the Wildlife Resources Commission, collection licenses are
43 valid from January 1 through December 31 in any year. This license is issued upon
44 payment of ~~five dollars (\$5.00)~~, ten dollars (\$10.00), but the Wildlife Resources

1 Commission may provide for issuance without charge to licensees who represent
2 educational or scientific institutions or some governmental agency."

3 **SECTION 3.** G.S. 113-273(h) reads as rewritten:

4 "(h) Game Bird Propagation License. – No person may propagate game birds in
5 captivity or possess game birds for propagation without first procuring a license under
6 this subsection. The Wildlife Resources Commission may by rule prescribe the
7 activities to be covered by the propagation license, which species of game birds may be
8 propagated, and the manner of keeping and raising the birds, in accordance with the
9 overall objectives of conservation of wildlife resources. Except as limited by this
10 subsection, propagated game birds may be raised and sold for purposes of propagation,
11 stocking, food, or taking in connection with dog training as authorized in
12 G.S. 113-291.1(d). Migratory game bird operations authorized under this subsection
13 must also comply with any applicable provisions of federal law and rules. The Wildlife
14 Resources Commission may impose requirements as to shipping, marking packages,
15 banding, tagging, or wrapping the propagated birds and other restrictions designed to
16 reduce the change of illicit game birds being disposed of under the cover of licensed
17 operations. The Wildlife Resources Commission may make a reasonable charge for any
18 bands, tags, or wrappers furnished propagators. The game bird propagation license is
19 issued by the Wildlife Resources Commission upon payment of a fee of ~~five dollars~~
20 ~~(\$5.00)~~ ten dollars (\$10.00). It authorizes a person or individual to propagate and sell
21 game birds designated in the license, in accordance with the rules of the Wildlife
22 Resources Commission, except:

23 (1) Wild turkey and ruffed grouse may not be sold for food.

24 (2) Production and sale of pen-raised quail for food purposes is under the
25 exclusive control of the Department of Agriculture and Consumer
26 Services. The Wildlife Resources Commission, however, may regulate
27 the possession, propagation, and transportation of live pen-raised quail.

28 Wild turkey acquired or raised under a game bird propagation license shall be confined
29 in a cage or pen approved by the Wildlife Resources Commission and no such wild
30 turkey shall be released for any purpose or allowed to range free. It is a Class 3
31 misdemeanor to sell wild turkey or ruffed grouse for food purposes, to sell quail other
32 than lawfully acquired pen-raised quail for food purposes, or to release or allow wild
33 turkey to range free."

34 **SECTION 4.** G.S. 113-272.5 reads as rewritten:

35 "(b) Unless a shorter time is set for a license upon its issuance under the
36 provisions of subsection (c), captivity licenses are annual licenses issued beginning
37 January 1 each year and running until the following December 31. This license is issued
38 upon payment of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) to the Wildlife Resources
39 Commission."

40 **SECTION 5.** Article 21 of Chapter 113 of the General Statutes is amended
41 by adding a new section to read:

42 "**§ 113-272.7. Wildlife damage control agent licenses.**

43 (a) In the interests of ensuring safe, humane wildlife handling techniques,
44 knowledge of wildlife laws and familiarity with wildlife species to those persons

1 authorized to trap, remove, and if necessary, euthanize wildlife that poses a threat to
2 human life or property, the Wildlife Resources Commission may license such qualified
3 individuals as "Wildlife Damage Control Agents." Before issuing this license, the
4 Executive Director must satisfy himself that the applicant has received training on and
5 demonstrated an understanding of wildlife law, safe and humane wildlife handling
6 techniques, and species identification.

7 (b) Wildlife Damage Control Agent licenses are annual licenses issued beginning
8 January 1 each year and running until the following December 31. This license is issued
9 upon the applicant's demonstration that he or she has received training on and has an
10 understanding of wildlife law, safe humane wildlife handling techniques, and species
11 identification. An application fee of fifty dollars (\$50.00) for this license shall be
12 applied to the cost of providing training and testing of the applicant's eligibility for this
13 license."

14 **SECTION 6.** G.S. 113-270.3(b) is amended by adding a new subdivision to
15 read:

16 "(b) The special activity licenses issued by the Wildlife Resources Commission
17 are as follows:

18 ...

19 (2a) Antlerless Deer License – \$5.00. This license shall be issued to an
20 individual resident or nonresident of the State who currently holds a
21 valid big game hunting license (resident or nonresident) and entitles
22 the holder to take two antlerless deer during seasons and by methods
23 authorized by the Wildlife Resources Commission.

24 ..."

25 **SECTION 7.** G.S. 113-276.1(5) reads as rewritten:

26 **"§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license**
27 **requirements and exemptions.**

28 In its discretion and in accordance with the best interests of the conservation of
29 wildlife resources, the Wildlife Resources Commission may implement the provisions
30 of this Article with rules that:

31 ...

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

39 **SECTION 8.** G.S. 113-270.2 reads as rewritten:

40 **"§ 113-270.2. Hunting licenses.**

41 (a) The hunting licenses set forth in subdivisions (1), (3), and (6) of subsection
42 (c) of this section entitle the holder to take, except on game lands, wild birds and wild
43 animals, other than big game and waterfowl, by all lawful methods and in all open
44 seasons. ~~The comprehensive hunting licenses of subdivisions (2) and (5) (2), (5), and (7)~~

1 of subsection (c) of this section further entitle the holder to take big game and waterfowl
2 and to use game lands.

3 (b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 2.

4 (c) The hunting licenses issued by the Wildlife Resources Commission are as
5 follows:

6 (1) Resident State Hunting License – \$15.00. This license shall be issued
7 only to an individual resident of the State.

8 (2) Lifetime Resident Comprehensive Hunting License – \$250.00. This
9 license shall be issued only to an individual resident of the State and is
10 valid for the lifetime of the holder.

11 (3) Resident County Hunting License – \$10.00. This license shall be
12 issued only to an individual resident of the State and is valid only in
13 the county of residence of the license holder.

14 (4) Controlled Hunting Preserve Hunting License – \$15.00. This license
15 shall be issued to an individual resident or nonresident to take only
16 foxes and domestically raised game birds, other than wild turkey, only
17 within a controlled hunting preserve licensed and operated in
18 accordance with G.S. 113-273(g) and implementing rules of the
19 Wildlife Resources Commission.

20 (5) Resident Annual Comprehensive Hunting License – \$30.00. This
21 license shall be issued only to an individual resident of the State.

22 (6) Nonresident State Hunting License. This license shall be issued only to
23 a nonresident. The nonresident State hunting licenses issued by the
24 Wildlife Resources Commission are:

25 a. Season License – \$60.00.

26 b. Six-Day License – \$40.00. This license is valid for the six
27 consecutive dates indicated on the license.

28 (7) Hunting Heritage License – \$5.00. This license shall be issued only to
29 an individual resident of the State. This onetime introductory license
30 shall enable the holder to hunt for one year only. This license includes
31 the same privileges that are included with a resident annual
32 comprehensive hunting license. No one who has previously held a
33 hunting license in this State may purchase the hunting heritage license.
34 The purchaser is not required to have a Certificate of Competency
35 from a completed hunter safety education course; however, a license
36 holder who does not have a Certificate of Competency shall be
37 required to hunt within visual communication with a lawfully licensed
38 hunter who will act as a mentor. The lawfully licensed hunter must
39 hold a license other than the hunting heritage license.

40 (8) Fishing Heritage License – \$5.00. This license shall be issued only to
41 an individual resident of the State. This onetime introductory license
42 shall enable the holder to fish for one year only. This license includes
43 the same privileges that are included with a resident annual

1 comprehensive fishing license. No one who has previously held a
2 fishing license in this State may purchase the fishing heritage license.

3 (d) One dollar (\$1.00) of the proceeds received from the sale of each nonresident
4 hunting license sold pursuant to subdivision (6) of subsection (c) of this section shall be
5 set aside by the Wildlife Resources Commission and contributed to a proper agency or
6 agencies in the United States for expenditure in Canada for the restoration and
7 management of migratory waterfowl."

8 **SECTION 9.** This act becomes effective July 1, 2007.