

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1092
Committee Substitute Favorable 4/11/05

Short Title: Amend Fishing License Requirements.

(Public)

Sponsors:

Referred to:

April 4, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL
3 RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED
4 LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE
5 STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE
6 WILDLIFE RESOURCES COMMISSION.

7 The General Assembly of North Carolina enacts:

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

9 "§ 113-174. Definitions.

10 As used in this Article:

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

12 (1a) "CRFL" means Coastal Recreational Fishing License.

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

15 (2a) "For Hire Boat" means a charter boat, head boat, dive boat, or other
16 boat hired to allow individuals to engage in recreational fishing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (e) ~~Enforcement for Charterboats and Headboats. – An inspector or other law~~
40 ~~enforcement officer may only verify the licensure of an individual fishing from a~~
41 ~~charterboat or headboat after the charterboat or headboat has returned to shore and the~~
42 ~~individual has disembarked from the charterboat or headboat. Except as provided in~~
43 ~~G.S. 113-174.2(d), each individual on board a charterboat or headboat engaged in~~
44 ~~recreational fishing, other than crew members who do not engage in recreational~~

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

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

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

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

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

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

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

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

28 "**§ 113-174.2. Saltwater Coastal Recreational Fishing License.**

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

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

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

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

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

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

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

3 **"§ 113-174.3. For-Hire Blanket CRFL; enforcement.**

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

- | | |
|--|------------------|
| 12 (1) <u>Vessel of 18 feet or less in length</u> | <u>\$150.00.</u> |
| 13 (2) <u>Vessel of greater than 18 feet in length</u> | |
| 14 <u>but 38 feet or less in length</u> | <u>\$250.00.</u> |
| 15 (3) <u>Vessel of greater than 38 feet in length</u> | |
| 16 <u>but 50 feet or less in length</u> | <u>\$350.00.</u> |
| 17 (4) <u>Vessel of greater than 50 feet in length</u> | <u>\$450.00.</u> |

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

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

29 **"§ 113-175. Definitions.**

30 As used in this Article:

- 31 (1) ~~"Board of Trustees" means the Board of Trustees of the Fund.~~
- 32 (1a) "Endowment Fund" means the North Carolina Marine Resources
33 Endowment Fund.
- 34 (1b) "Endowment investment income" means interest and other income
35 earned from the investment of the principal of the Endowment Fund.
- 36 (1c) "Endowment license revenues" means the net proceeds from the sale
37 of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net
38 proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and
39 (4). The apportionment of the net proceeds from the sale of licenses
40 issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by
41 the Division of Marine Fisheries and the Wildlife Resources
42 Commission. In the event that the Division of Marine Fisheries and the
43 Wildlife Resources Commission cannot agree on the apportionment,
44 the Governor is authorized to determine the apportionment.

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

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

23 **"§ 113-175.1. North Carolina ~~Saltwater Fishing Fund.~~Marine Resources Fund.**

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

- 31 (1) Marine resources license revenues.
- 32 (2) Proceeds of any gifts, grants, and contributions to the State that are
33 specifically designated for inclusion in the Marine Resources Fund.
- 34 (3) Funds realized from the sale, lease, rental, or other grant of rights to
35 real or personal property acquired or produced from funds disbursed
36 from the Marine Resources Fund.
- 37 (4) Federal aid project reimbursements to the extent that funds disbursed
38 from the Marine Resources Fund originally funded the project for
39 which the reimbursement is made.

40 (b) The State Treasurer shall hold the Marine Resources Fund separate and apart
41 from all other moneys, funds, and accounts. The State Treasurer shall invest the assets
42 of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and
43 G.S. 147-69.3."

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

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

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

3 **SECTION 10.** Article 14C of Chapter 113 of the General Statutes is
4 amended by adding a new section to read:

5 **"§ 113-175.5. North Carolina Marine Resources Endowment Fund.**

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

11 (1) Endowment license revenues.

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

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

17 (4) Federal aid project reimbursements to the extent that endowment
18 investment income originally funded the project for which the
19 reimbursement is made.

20 (5) Transfers to the Endowment Fund.

21 (6) Any endowment investment income, marine resources investment
22 income, or marine resources license revenue that is credited to the
23 Endowment Fund for the purpose of increasing the principal of the
24 Endowment Fund.

25 (b) The State Treasurer shall hold the Endowment Fund separate and apart from
26 all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the
27 Endowment Fund in accordance with the provisions of G.S. 147-69.2 and
28 G.S. 147-69.3.

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

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

37 (2) No disbursements of the endowment investment income derived from
38 the endowment license revenues generated by the sale of Infant
39 Lifetime CRFLs under G.S. 113-174.2(c)(6)e., Youth Lifetime CRFLs
40 under G.S. 113-174.2(c)(6)f., Infant Lifetime Unified
41 Sportsman/Coastal Recreational Fishing Licenses under
42 G.S. 113-351(c)(3)a., or Youth Lifetime Unified Sportsman/Coastal
43 Recreational Fishing Licenses under G.S. 113-351(c)(3)b. shall be
44 made for any purpose until the respective licensees attain the age of 16

1 years. The State Treasurer shall periodically make an actuarial
2 determination as to the amount of endowment investment income
3 within the Endowment Fund that remains encumbered by the
4 restriction of this subdivision and the amount that is free of the
5 restriction. The Executive Director of the Wildlife Resources
6 Commission shall provide the State Treasurer with the information
7 necessary to make this determination.

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

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

11 "**§ 113-270.1. License agents.**

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

- 21 (1) License agents.
- 22 (2) The Wildlife Resources Commission's headquarters.
- 23 (3) Employees of the Wildlife Resources Commission.
- 24 (4) Two or more such sources simultaneously.

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

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

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

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

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

- 1 (1) Select and appoint license agents in areas most convenient for the sale
2 of licenses and permits.
- 3 (2) Limit the number of license agents in an area if necessary for
4 efficiency of operation.
- 5 (3) Require prompt and accurate reporting and remittance of public funds
6 or documents by license agents.
- 7 (4) Conduct periodic and special audits of accounts.
- 8 (5) Suspend or terminate the authorization of any license agent found to be
9 noncompliant with rules adopted by the Wildlife Resources
10 Commission or when State funds or property are reasonably believed
11 to be in jeopardy.
- 12 (6) Require the immediate surrender of all equipment, forms, licenses,
13 permits, records, and State funds and property, issued by or belonging
14 to the Wildlife Resources Commission, in the event of the termination
15 of a license agent.

16 (b3) The Wildlife Resources Commission is exempt from the contested case
17 provisions of Chapter 150B with respect to determinations of whether to authorize or
18 terminate the authority of a person to sell licenses and permits as a license agent of the
19 Wildlife Resources Commission.

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

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

40 ~~(d) The Wildlife Resources Commission may make rules in implementing the~~
41 ~~authority granted in subsection (c), but it need not set out in its rules details as to forms~~
42 ~~of license, records and accounting procedures, and other reasonable requirements that~~
43 ~~may be administratively promulgated by employees of the Wildlife Resources~~
44 ~~Commission in implementation of the purposes of this Article in order for such~~

1 ~~administrative requirements to be deemed validly required. It is a Class 1 misdemeanor~~
2 ~~for a license agent to do any of the following:~~

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

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

39 (f) ~~If a hearing is requested, it is before the Executive Director or his designee to~~
40 ~~be held at Raleigh or some other place convenient to the parties specified by the~~
41 ~~Executive Director. The temporary suspension remains in effect until the hearing, and~~
42 ~~after the hearing may be rescinded or continued in effect, as the facts warrant, in the~~
43 ~~discretion of the Executive Director. A temporary suspension may not last longer than~~
44 ~~30 days, but additional suspensions may be imposed if at the end of the suspension~~

1 ~~period the license agent is still not in compliance with appropriate standards,~~
2 ~~qualifications, and administrative directives. A license agent may at any time after a~~
3 ~~hearing appeal his suspension to the Wildlife Resources Commission.~~

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

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

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

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

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

2 "**§ 113-270.1C. Combination hunting and inland fishing licenses.**

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

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

12 (1) Resident Annual Combination Hunting and Inland Fishing License –
13 \$20.00. This license shall be issued only to an individual resident of
14 the State.

15 (2), (3) Repealed by Session Laws 1997-326, s. 2.

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

31 (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland
32 Fishing License – \$10.00. This license shall be issued only to an
33 individual who is a resident of the State and who is a fifty percent
34 (50%) or more disabled veteran as determined by the United States
35 Department of Veterans Affairs. This license remains valid for the
36 lifetime of the licensee so long as the licensee remains fifty percent
37 (50%) or more disabled. This license entitles the licensee to fish in
38 public mountain trout waters as provided in G.S. 113-272(a).

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

1 licensee. This license entitles the licensee to fish in public mountain
2 trout waters as provided in G.S. 113-272(a)."

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

4 "**§ 113-270.1D. Sportsman licenses.**

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

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

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

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

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

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

9 **"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.**

10 (a) An inland hook-and-line fishing license issued under this section entitles the
11 licensee to fish with hook and line in inland fishing waters and joint fishing waters. An
12 inland hook-and-line fishing license issued under this section does not entitle the
13 licensee to engage in recreational fishing in coastal fishing waters that are not joint
14 fishing waters. An inland hook-and-line fishing license issued under subdivision (1),
15 (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee ~~All the~~
16 ~~hook and line fishing licenses set forth in subdivisions (1), (3), (7), and (9) of~~
17 ~~subsection (d) of this section entitle the holder to fish with hook and line in public~~
18 ~~mountain trout waters.~~

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

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

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

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

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

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

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

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

35 (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses
36 are valid only for the date or consecutive dates indicated on the
37 licenses. Short-term inland fishing licenses issued by the Wildlife
38 Resources Commission are:

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

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

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

- 1 (6a) Age 70 Resident Lifetime Inland Fishing License – \$10.00. This
2 license shall be issued only to an individual resident of the State who is
3 at least 70 years of age.
- 4 (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00.
5 This license shall be issued only to an individual who is a resident of
6 the State and who is a fifty percent (50%) or more disabled veteran as
7 determined by the United States Department of Veterans Affairs. This
8 license remains valid for the lifetime of the licensee so long as the
9 licensee remains fifty percent (50%) or more disabled.
- 10 (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00.
11 This license shall be issued only to an individual who is a resident of
12 the State and who is totally and permanently disabled as determined by
13 the Social Security Administration. This license remains valid for the
14 lifetime of the licensee.
- 15 ~~(7) Lifetime Fishing License for the Legally Blind — No charge. This~~
16 ~~license shall be issued only to an individual resident of the State who~~
17 ~~has been certified by the Department of Health and Human Services as~~
18 ~~a person whose vision with glasses is insufficient for use in ordinary~~
19 ~~occupations for which sight is essential. This license is valid for the~~
20 ~~life of the individual so long as he remains legally blind.~~
- 21 ~~(8) Adult Care Home Resident Fishing License — No charge. This license~~
22 ~~shall be issued only to an individual resident of the State who resides~~
23 ~~in an adult care home as defined in G.S. 131D-2(a)(3) or~~
24 ~~G.S. 131E-101(4). This license is valid for the life of the individual so~~
25 ~~long as the individual remains a resident of an adult care home.~~
- 26 (9) Special Guest Inland Fishing License – \$50.00. This license shall be
27 issued only to the owner or lessee of private property bordering inland
28 or joint fishing waters, including public mountain trout waters, and
29 entitles ~~persons~~ individuals to fish from the shore or any pier or dock
30 originating from the property without any additional fishing license.
31 This license is applicable only to private property and private docks
32 and piers and is not valid for any public property, pier, or dock nor for
33 any private property, pier, or dock operated for any commercial
34 purpose whatsoever. The guest fishing license shall not be in force
35 unless displayed on the premises of the property and only entitles
36 fishing without additional license to ~~persons~~ individuals fishing from
37 the licensed property and then only when fishing within the private
38 property lines. The guest fishing license is not transferable as to person
39 or location."

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

41 "(c) Lifetime licenses are issued from the Wildlife Resources Commission
42 headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime
43 Sportsman License must be accompanied by a certified copy of the birth certificate

1 certificate, adoption order containing the date of birth, or other proof of age satisfactory
2 to the Commission, of the individual to be named as the ~~license holder~~ licensee."

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

4 "(c1) Upon receipt of a proper application together with a fee of ~~two~~five dollars
5 ~~(\$2.00)~~(\$5.00), the Wildlife Resources Commission may issue a new license or permit
6 to replace one that has been lost or destroyed before its expiration. The application must
7 be on a form of the Wildlife Resources Commission setting forth information in
8 sufficient detail to allow ready identification of the lost or destroyed license or permit
9 and ascertainment of the applicant's continued entitlement to it."

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

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

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

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

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

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

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

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

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

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

31 (1) [Reserved.]

32 (2) Regulate license requirements and exemptions applying to the taking
33 of wildlife on particular waters forming or lying across a county
34 boundary where there may be confusion as to the location of the
35 boundary, hardship imposed as to the location of the boundary, or
36 difficulty of administering or enforcing the law with respect to the
37 actual boundary location.

38 (3) Require persons subject to license requirements, and persons exempt
39 from license requirements, to carry, display, or produce identification
40 that may be necessary to substantiate the person's entitlement to a
41 particular license or to a particular exemption from license
42 requirements.

43 (4) Require individuals aboard vessels or carrying weapons or other gear
44 that may be used to take wildlife resources, and in an area at a time

1 wildlife resources may be taken, to exhibit identification that includes
2 the individual's name and current address. More than one piece of
3 identification, including a vehicle driver license, may be required to be
4 exhibited, if available.

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

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

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

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

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

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

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

38 "Article 25A.

39 "Unified Licenses.

40 "**§ 113-351. Unified hunting and fishing licenses.**

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

42 (b) General Provisions Governing Licenses. – The general provisions governing
43 licenses set out in G.S. 113-174.1 apply to licenses issued under this section.

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

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

13 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License.
14 – \$35.00. This license is valid for a period of one year from the date of
15 issuance. This license shall be issued only to an individual who is a
16 resident of the State. This license authorizes the licensee to fish with
17 hook and line for all fish in all inland fishing waters and joint fishing
18 waters, including public mountain trout waters and to engage in
19 recreational fishing in coastal fishing waters.

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

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

32 b. Youth Lifetime Unified Sportsman/Coastal Recreational
33 Fishing License. – \$450.00. This license shall be issued only to
34 an individual who is one year of age or older but younger than
35 12 years of age.

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

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

- 1 e. Resident Elderly Lifetime Unified Sportsman/Coastal
2 Recreational Fishing License. – \$20.00. This license shall be
3 issued only to an individual who is 70 years of age or older and
4 who is a resident of the State.
- 5 f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal
6 Recreational Fishing License. – \$110.00. This license shall be
7 issued only to an individual who is a resident of the State and
8 who is a fifty percent (50%) or more disabled veteran as
9 determined by the United States Department of Veterans
10 Affairs. This license remains valid for the lifetime of the
11 licensee so long as the licensee remains fifty percent (50%) or
12 more disabled.
- 13 g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal
14 Recreational Fishing License. – \$110.00. This license shall be
15 issued only to an individual who is a resident of the State and
16 who is totally and permanently disabled as determined by the
17 Social Security Administration.
- 18 h. Resident Legally Blind Lifetime Unified Sportsman/Coastal
19 Recreational Fishing License. – No charge. This license shall be
20 issued only to an individual who is a resident of the State and
21 who has been certified by the Department of Health and Human
22 Services as an individual whose vision with glasses is
23 insufficient for use in ordinary occupations for which sight is
24 essential. This license remains valid for the lifetime of the
25 licensee so long as the licensee remains legally blind.
- 26 i. Resident Adult Care Home Lifetime Unified Sportsman/Coastal
27 Recreational Fishing License. – No charge. This license shall be
28 issued only to an individual who is a resident of the State and
29 who resides in an adult care home as defined in
30 G.S. 131D-2(a)(1b) or G.S. 131E-101(1). This license remains
31 valid for the lifetime of the licensee so long as the licensee
32 remains a resident of an adult care home.
- 33 (4) Lifetime Unified Inland/Coastal Recreational Fishing License. –
34 \$450.00. This license is valid for the lifetime of the licensee and
35 authorizes the licensee to fish with hook and line for all fish in all
36 inland fishing waters and joint fishing waters, including public
37 mountain trout waters and to engage in recreational fishing in coastal
38 fishing waters.
- 39 (d) Resident Subsistence Unified Inland/Coastal Recreational Fishing License. –
40 \$1.00. This license is valid for a period of one year from the date of issuance. This
41 license shall be issued only to an individual who is a resident of the State. This license
42 authorizes the licensee to fish with hook and line for all fish in all inland fishing waters
43 and joint fishing waters, except for public mountain trout waters, and to engage in
44 recreational fishing in coastal fishing waters. An applicant for a license issued under this

1 subsection shall provide to a designated license agent a certification from the county
2 department of social services that the applicant is currently enrolled and receives
3 benefits from at least one of the eligible social service programs listed on an application
4 developed by the Division of Marine Fisheries and the Wildlife Resources
5 Commission."

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

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

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

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

18 ...

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

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

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

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

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

1 with the overall spirit, intent, and purpose underlying the creation of the Wildlife
2 Endowment Fund and the Marine Resources Endowment Fund. Therefore, in
3 accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three
4 million dollars (\$3,000,000) from the Wildlife Endowment Fund to the Marine
5 Resources Endowment Fund. This transfer shall be made in five equal installments of
6 six hundred thousand dollars (\$600,000) on the first day of March in 2006, 2007, 2008,
7 2009, and 2010.

8 **SECTION 28.(a)** The Wildlife Resources Commission may disburse up to
9 one million dollars (\$1,000,000) from the Wildlife Resources Fund to implement this
10 act.

11 **SECTION 28.(b)** The State Treasurer shall transfer a sum equal to the sum
12 of funds disbursed pursuant to subsection (a) of this section from the Marine Resources
13 Fund to the Wildlife Resources Fund on July 1, 2010.

14 **SECTION 29.(a)** License revenues and investment income held in the
15 Marine Resources Fund established pursuant to G.S. 113-175.1, as amended by Section
16 6 of this act, shall remain in that Fund until such time as the General Assembly
17 determines how and by what entity any funds should be disbursed. Endowment license
18 revenues and endowment investment income held in the Marine Resources Endowment
19 Fund established by G.S. 113-175.5, as enacted by Section 10 of this act, shall remain in
20 that Fund until such time as the General Assembly determines how and by what entity
21 any funds should be disbursed.

22 **SECTION 29.(b)** The Joint Legislative Commission on Seafood and
23 Aquaculture and the Environmental Review Commission shall jointly study how and by
24 what entity license revenues and investment income held in the Marine Resources Fund
25 and endowment investment income held in the Marine Resources Endowment Fund
26 should be disbursed. The Commissions shall report their findings and
27 recommendations, including any legislative proposals, to the 2006 Regular Session of
28 the 2005 General Assembly.

29 **SECTION 30.(a)** The Wildlife Resources Commission shall adopt rules to
30 provide for the following:

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

41 **SECTION 30.(b)** The Wildlife Resources Commission shall adopt rules to
42 authorize the Executive Director to take the following actions related to license agents:

- 43 (1) Select and appoint license agents in areas most convenient for the sale
44 of licenses and permits.

- 1 (2) Limit the number of license agents in an area if necessary for
2 efficiency of operation.
- 3 (3) Require prompt and accurate reporting and remittance of public funds
4 or documents by license agents.
- 5 (4) Conduct periodic and special audits of accounts.
- 6 (5) Suspend or terminate the authorization of any license agent found to be
7 noncompliant with rules adopted by the Wildlife Resources
8 Commission or when State funds or property are reasonably believed
9 to be in jeopardy.
- 10 (6) Require the immediate surrender of all equipment, forms, licenses,
11 permits, records, and State funds and property, issued by or belonging
12 to the Wildlife Resources Commission, in the event of the termination
13 of a license agent.

14 **SECTION 31.** The repeal by this act of the statutory authority of the
15 Wildlife Resources Commission to issue a type of license shall not affect the authority
16 of an individual to whom a license of that type is issued prior to the effective date of the
17 repeal to engage in the activity that the repealed license type authorizes so long as the
18 license is otherwise valid.

19 **SECTION 32.** If any section or provision of this act is declared
20 unconstitutional or invalid by the courts, the unconstitutional or invalid section or
21 provision does not affect the validity of this act as a whole or any part of this act other
22 than the part declared to be unconstitutional or invalid.

23 **SECTION 33.** Sections 5, 6, 7, 8, 9, 10, 19, 20, 23, 25, 26, 28, 29, 30, 31,
24 32, and 33 of this act are effective when this act becomes law. Sections 15, 16, 21, and
25 24 of this act become effective January 1, 2006. Sections 1, 2, 3, 4, 12, 13, 14, 17, 18,
26 22, and 27 of this act become effective March 1, 2006. Section 11 of this act becomes
27 effective on the date that all rules adopted by the Wildlife Resources Commission
28 pursuant to Section 30 of this act become effective, except that G.S. 113-270.1(b3) and
29 (b4) become effective January 1, 2006. Section 30 of this act expires on the date that all
30 rules adopted by the Wildlife Resources Commission pursuant to Section 30 of this act
31 become effective.