

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 1019
RATIFIED BILL

AN ACT TO ESTABLISH THE FALLEN WILDLIFE OFFICERS MEMORIAL LIFETIME SPORTSMAN LICENSE, ALSO KNOWN AS THE JOHN OLIVER EDWARDS MEMORIAL LIFETIME SPORTSMAN LICENSE, FOR SURVIVING FAMILY MEMBERS OF WILDLIFE ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.

Whereas, Deputy Game Warden John W. Hollowell lost his life in the line of duty on August 30, 1930; and

Whereas, Game Warden Joseph D. Whitaker lost his life in the line of duty on November 15, 1936; and

Whereas, District Game and Fish Protector W. I. Wright, Jr., lost his life in the line of duty on October 31, 1948; and

Whereas, Wildlife Agent Grover C. Quinn, Jr., lost his life in the line of duty on March 25, 1949; and

Whereas, Wildlife Protector William G. Holler lost his life in the line of duty on October 19, 1951; and

Whereas, Wildlife Protector Amos M. Bordeaux lost his life in the line of duty on April 10, 1962; and

Whereas, Wildlife Enforcement Officer John O. Edwards lost his life in the line of duty on August 3, 1963; and

Whereas, Wildlife Refuge Manager Dewey H. McCall lost his life in the line of duty on September 5, 1971; and

Whereas, Wildlife Enforcement Area Leader Troy M. Sigmon lost his life in the line of duty on September 1, 1978; and

Whereas, Wildlife Enforcement Officer Lloyd O. Mayse lost his life in the line of duty on November 27, 1980; and

Whereas, Wildlife Enforcement Officer William A. Williamson lost his life in the line of duty on December 4, 1985; and

Whereas, thousands of men and women proudly perform their duties as wildlife enforcement officers throughout the United States and the State of North Carolina; and

Whereas, Section 5 of Article XIV of the North Carolina Constitution declares it to be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry; and

Whereas, Section 5 of Article XIV of the North Carolina Constitution also declares it to be the proper function of the State to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty; and

Whereas, G.S. 143B-135.42 provides that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources and finds that these resources are part of the heritage of the people of this State and should be preserved and managed by the people for their use and for the use of their visitors and descendants; and

Whereas, the Wildlife Enforcement Officers of the Wildlife Resources Commission are dedicated public servants and work tirelessly to uphold these provisions of the State's



Constitution and General Statutes, fulfill their duties to preserve our State's spectacular natural resources, and assure the safety of the State's citizenry in enjoying these resources; and

Whereas, the origins of the Wildlife Resource Commission may be traced to 1947, when the General Assembly established the agency to conserve and sustain the State's wildlife and inland fish resources; and

Whereas, the Wildlife Enforcement Officers of the Wildlife Resources Commission have responsibility for enforcement of the inland fishing, hunting, trapping, and boating laws throughout the State; and

Whereas, many Wildlife Enforcement Officers have been injured in the line of duty, and eleven Wildlife Enforcement Officers have lost their lives in the line of duty; and

Whereas, it is fitting to honor and commend the exemplary group of men and women who have served and continue to serve our State and nation and routinely endure dangerous and difficult conditions in the performance of their duties and those that have been injured and lost in the line of duty through service to their State and nation; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License – \$50.00. This license shall be issued only to an individual resident of the State and entitles the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters. An annual sportsman license issued under this subsection does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

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

- (1) Infant Lifetime Sportsman License – \$200.00. This license shall be issued only to an individual under one year of age.
- (2) Youth Lifetime Sportsman License – \$350.00. This license shall be issued only to an individual under 12 years of age.
- (3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be issued only to an individual resident of the State who is 12 years of age or older but younger than 70 years of age.
- (4) Nonresident Lifetime Sportsman License – \$1,200. This license shall be issued only to an individual nonresident of the State.
- (5) Age 70 Resident Lifetime Sportsman License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
- (6) Repealed by Session Laws 2005-455, s. 1.7 effective January 1, 2007.
- (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime

of the licensee so long as the licensee remains fifty percent (50%) or more disabled.

- (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission.
- (9) Fallen Wildlife Officers Memorial Lifetime Sportsman License. – This license shall also be known as the John Oliver Edwards Memorial Lifetime Sportsman License and shall be issued free of charge only to a surviving spouse, child, grandchild, or great-grandchild of a wildlife enforcement officer killed in the line of duty."

SECTION 2. G.S. 113-270.3 reads as rewritten:

"§ 113-270.3. Special activity licenses; big game kill reports.

(a) In addition to any hunting, trapping, or fishing license that may be required pursuant to G.S. 113-270.1B(a), individuals engaging in specially regulated activities must have the appropriate special activity license and stamp prescribed in this section before engaging in the regulated activity.

(b) The special activity licenses and stamp issued by the Wildlife Resources Commission are as follows:

- (1) Resident Big Game Hunting License – \$13.00. This license shall be issued only to an individual resident of the State and entitles the holder to take big game by all lawful methods and during all open seasons.
- (1a) Nonresident Bear Hunting License – \$225.00. This license is valid for use only by an individual within the State and must be procured before taking any bear within the State. Notwithstanding any other provision of law, a nonresident individual may not take any bear within the State without procuring this license; provided, that neither those persons who have a nonresident lifetime sportsman combination license purchased prior to May 24, 1994, nor those persons who have obtained a lifetime license established by G.S. 113-270.1D(b)(9) shall ~~not~~ have to purchase this license.
- (1b) Bear Management Stamp – \$10.00. This electronically generated stamp must be procured before taking any bear within the State. Notwithstanding any other provision of law, a resident or nonresident individual may not take any bear within the State without procuring this stamp; provided, that those persons who have purchased a lifetime license established by G.S. 113-270.1D(b), 113-270.2(c)(2), or 113-351(c)(3) prior to July 1, 2014, those persons who have obtained a lifetime license established by G.S. 113-270.1D(b)(9), and those persons exempt from the license requirements as set forth in G.S. 113-276(c), G.S. 113-276(d), and G.S. 113-276(n) shall obtain this stamp free of charge. All of the revenue generated by this stamp shall be dedicated to black bear research and management.
- (2) Nonresident Big Game Hunting License. This license shall be issued only to an individual nonresident of the State and entitles the holder to take big game by all lawful methods and during all open seasons. The nonresident big game hunting licenses issued by the Wildlife Resources Commission are:
 - a. Season License – \$80.00.
 - b. Ten-Day License – \$60.00. This license is only valid for the 10 consecutive dates indicated on the license.

- (2a) Bonus Antlerless Deer License – \$10.00. This license shall be issued to an individual resident or nonresident of the State who holds a valid North Carolina big game hunting license or an individual resident who is exempt from the hunting license requirement in accordance with G.S. 113-276(c) and G.S. 113-276(d) and entitles the holder to take two antlerless deer during seasons and by methods authorized by the Wildlife Resources Commission. This license expires June 30.
- (3) Game Land License – \$15.00. This license shall be issued to an individual resident or nonresident of the State and entitles the holder to hunt and trap on game lands managed by the Wildlife Resources Commission. The Wildlife Resources Commission may, pursuant to G.S. 113-264(a), designate in its rules other activities on game lands that require purchase of this license and may charge additional fees for use of specially developed facilities.
- (4) Falconry License – \$10.00. This license shall be issued to an individual resident or nonresident of the State and must be procured before:
- a. Taking, importing, transporting, or possessing a raptor; or
 - b. Taking wildlife by means of falconry.
- The Wildlife Resources Commission may issue classes of falconry licenses necessary to participate in the federal/State permit system, require necessary examinations before issuing licenses or permits to engage in various authorized activities related to possession and maintenance of raptors and the sport of falconry, and regulate licenses as required by governing federal law and rules. To defray the costs of administering required examinations, the Wildlife Resources Commission may charge reasonable fees upon giving them. To meet minimum federal standards plus other State standards in the interests of conservation of wildlife resources, the Wildlife Resources Commission may impose all necessary controls, including those set out in the sections pertaining to collection licenses and captivity licenses, and may issue permits and require reports, but no collection license or captivity license is needed in addition to the falconry license.
- (5) Migratory Waterfowl Hunting License – \$13.00. This license shall be issued to an individual resident or nonresident of the State and entitles the holder to take migratory waterfowl in accordance with applicable laws and regulations. The Wildlife Resources Commission may implement this license requirement through the sale of an official waterfowl stamp which may be a facsimile, in an appropriate size, of the waterfowl conservation print authorized by G.S. 113-270.2B. An amount not less than one-half of the annual proceeds from the sale of this license shall be used by the Commission for cooperative waterfowl habitat improvement projects through contracts with local waterfowl interests, with the remainder of the proceeds to be used by the Commission in its statewide programs for the conservation of waterfowl.

(c) Any individual who kills any species of big game must report the kill to the Wildlife Resources Commission. The Commission may by rule prescribe the method of making the report, prescribe its contents, and require positive identification of the carcass of the kill, by tagging or otherwise. The Wildlife Resources Commission may administratively provide for the annual issuance of big game tags or other identification for big game authorized by this section to holders of lifetime sportsman licenses and lifetime comprehensive hunting licenses.

(d) Any individual who possesses any of the lifetime sportsman licenses established by G.S. 113-270.1D(b) may engage in specially regulated activities without the licenses required by subdivisions (1), (2), (3), and (5) of subsection (b) of this section. Any individual possessing an annual sportsman license established by G.S. 113-270.1D(a) or a lifetime or annual

comprehensive hunting license established by G.S.113-270.2(c)(2) or (5) may engage in specially regulated activities without the licenses required by subdivisions (1), (3), and (5) of subsection (b) of this section.

(e) When the Wildlife Resources Commission establishes a primitive weapons season pursuant to G.S. 113-291.2(a), all of the combination hunting and fishing licenses established in G.S.113-270.1C, sportsman licenses established in G.S. 113-270.1D, and hunting licenses established in G.S. 113-270.2(c)(1), (2), (3), (5), and (6) entitle the holder to participate. For purposes of this section, "primitive weapons" include bow and arrow, muzzle-loading firearm, and any other primitive weapon specified in the rules of the Wildlife Resources Commission."

SECTION 3. G.S. 113-272.3 reads as rewritten:

"§ 113-272.3. Special provisions respecting fishing licenses; grabbling; taking bait fish; use of landing nets; lifetime licenses issued from Wildlife Resources Commission headquarters; personalized lifetime sportsman combination licenses.

(a) The Wildlife Resources Commission by rule may define the meaning of "hook and line" and "special device" as applied to fishing techniques. Any technique of fishing that may be lawfully authorized which employs neither the use of any special device nor hook and line must be pursued under the appropriate hook-and-line fishing license.

(b) In accordance with established fishing customs and the orderly conservation of wildlife resources, the Wildlife Resources Commission may by rule provide for use of nets or other special devices which it may authorize as an incident to hook-and-line fishing or for procuring bait fish without requiring a special device license. In this instance, however, the individual fishing must meet applicable hook-and-line license requirements.

(c) Lifetime licenses are issued from the Wildlife Resources Commission headquarters. Each application for an Infant Lifetime Sportsman or Youth Lifetime Sportsman License must be accompanied by a certified copy of the birth certificate, adoption order containing the date of birth, or other proof of age satisfactory to the Commission, of the individual to be named as the licensee. Each application for a Fallen Wildlife Officers Memorial Lifetime Sportsman License shall be accompanied by proof of relationship to the fallen wildlife officer, satisfactory to the Wildlife Resources Commission, of the individual to be named as the licensee.

(d) In issuing lifetime licenses, the Wildlife Resources Commission is authorized to adopt rules to establish a personalized series for certain license types and to charge a five dollar (\$5.00) administrative fee, to be deposited in the Wildlife Fund, to defray the cost of issuance of the personalized license. The fee shall not be assessed for a personalized Fallen Wildlife Officers Memorial Lifetime Sportsman License as enacted under G.S. 113-270.1D(b)(9)."

SECTION 4. The Wildlife Resources Commission may adopt rules to implement this act.

SECTION 7. Sections 1, 2, and 3 of this act become effective July 1, 2019. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2018