

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS55187-SBf-9 (3/5)

Short Title: Amend Fishing License Requirements-2.

(Public)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AMEND CERTAIN STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

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

**"§ 113-174. Definitions.**

As used in this Article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (f) Cancellation.~~Cancellation of fraudulent license; penalties.~~ – The ~~Division~~  
8 Wildlife Resources Commission may cancel a license issued under this Article or  
9 Article 25A of this Chapter if the license was issued on the basis of false information  
10 supplied by the license applicant. A cancelled license is void from the date of issuance.  
11 It is a Class 1 misdemeanor for an individual to knowingly do any of 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.~~ 10-day Resident CRFL. – ~~\$1.00;~~ \$5.00. This license is  
 12 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) 10-day Nonresident CRFL. – \$10.00. This license is valid for a period  
 17 of 10 consecutive days, as indicated on the license. This license shall  
 18 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 sub-  
 26 subdivisions j. and k. 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. This license remains valid for  
15                     the lifetime of the licensee.
- 16          (d)    ~~An individual may engage in recreational fishing by means of~~  
17          ~~recreational gear without having purchased a SFL~~is exempt from the license  
18          ~~requirements of G.S. 113-174.1(a) if the individual is either:~~
- 19               (1)   Is 18-16 years of age or younger and is currently enrolled in school and  
20                     is making progress toward obtaining a high school diploma or its  
21                     equivalent.younger.
- 22               (2)   Holds any of the following licenses that were purchased prior to  
23                     January 1, 2005:
- 24                    a.   Infant Lifetime Sportsman License issued under  
25                     G.S. 113-270.1D(b)(1).
- 26                    b.   Youth Lifetime Sportsman License issued under  
27                     G.S. 113-270.1D(b)(2).
- 28                    c.   Adult Resident Lifetime Sportsman License issued under  
29                     G.S. 113-270.1D(b)(3).
- 30                    d.   Nonresident Lifetime Sportsman License issued under  
31                     G.S. 113-270.1D(b)(4).
- 32                    e.   Age 70 Resident Lifetime Sportsman License issued under  
33                     G.S. 113-270.1D(b)(5).
- 34                    f.   Lifetime Resident Comprehensive Fishing License issued under  
35                     G.S. 113-271(d)(3).
- 36               (3)   Holds any of the following licenses that were purchased prior to March  
37                     1, 2006:
- 38                    a.   Lifetime Combination Hunting and Fishing License for  
39                     Disabled Residents issued under G.S. 113-270.1C(b)(4).
- 40                    b.   Disabled Resident Sportsman License issued under  
41                     G.S. 113-270.1D(b)(6).
- 42               (4)   Holds any of the following licenses:
- 43                    a.   Lifetime Fishing License for the Legally Blind issued under  
44                     G.S. 113-271(d)(7).

1           b. Adult Care Home Resident Fishing License issued under  
2           G.S. 113-271(d)(8)."

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

5 **"§ 113-174.3. For Hire Blanket CRFL; enforcement.**

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

- |   |                  |
|---|------------------|
| 14           (1) <u>Vessel of 18 feet or less in length</u>   | <u>\$150.00.</u> |
| 15           (2) <u>Vessel of greater than 18 feet in length</u><br>16 <u>but 38 feet in length or less</u> | <u>\$250.00.</u> |
| 17           (3) <u>Vessel of greater than 38 feet in length</u><br>18 <u>but 50 feet in length or less</u> | <u>\$350.00.</u> |
| 19           (4) <u>Vessel of greater than 50 feet in length</u>  | <u>\$450.00.</u> |

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

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

31 **"§ 113-175. Definitions.**

32 As used in this Article:

- 33           (1) "Board of Trustees" means the Board of Trustees of the Fund.  
34           (1a) "Endowment Fund" means the North Carolina Marine Resources  
35           Endowment Fund.  
36           (1b) "Endowment investment income" means interest and other income  
37           earned from the investment of endowment license revenues and the  
38           proceeds of any gifts, grants, or contributions deposited in the  
39           Endowment Fund.  
40           (1c) "Endowment license revenues" means the net proceeds from the sale  
41           of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net  
42           proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and  
43           (4). The apportionment of the net proceeds from the sale of licenses  
44           issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by

1           the Division of Marine Fisheries and the Wildlife Resources  
2           Commission. In the event that the Division of Marine Fisheries and the  
3           Wildlife Resources Commission cannot agree on the apportionment,  
4           the Governor is authorized to determine the apportionment.

5           (2) ~~"Fund"~~ "Marine Resources Fund" means the North Carolina ~~Saltwater~~  
6           Fishing ~~Marine Resources~~ Fund.

7           (3) ~~"Investment"~~ "Marine resources investment income" means interest  
8           earned from the investment of marine resources license revenues and  
9           the proceeds of any gifts, grants, or contributions deposited in the  
10           Marine Resources Fund.

11           (4) ~~"License"~~ "Marine resources license revenues" means the net proceeds  
12           from the sale of ~~Saltwater Fishing Licenses~~ licenses issued under  
13           G.S. 113-174.2. Article 14B of this Chapter and a portion of the net  
14           proceeds from the sale of licenses issued under Article 25A of this  
15           Chapter, excluding endowment license revenues. The apportionment  
16           of the net proceeds from the sale of licenses issued under Article 25A  
17           of this Chapter shall be jointly determined by the Division of Marine  
18           Fisheries and the Wildlife Resources Commission. In the event that the  
19           Division of Marine Fisheries and the Wildlife Resources Commission  
20           cannot agree on the apportionment, the Governor is authorized to  
21           determine the apportionment. The term includes funds realized from  
22           the sale, lease, rental, or other grant of rights to real or personal  
23           property acquired or produced with ~~marine resources~~ license revenues  
24           and revenues. The term also includes federal aid project  
25           reimbursements to the extent that ~~marine resources~~ license revenues  
26           originally funded the project for which the reimbursement is made."

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

28           "**§ 113-175.1. North Carolina ~~Saltwater Fishing Fund~~ Marine Resources Fund.**"

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

36           (1) Marine resources license revenues.

37           (2) Proceeds of any gifts, grants, and contributions to the State that are  
38           specifically designated for inclusion in the Marine Resources Fund.

39           (3) Funds realized from the sale, lease, rental, or other grant of rights to  
40           real or personal property acquired or produced with marine resources  
41           license revenues.

42           (4) Federal aid project reimbursements to the extent that marine resources  
43           license revenues originally funded the project for which the  
44           reimbursement is made.

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

7       (c)    The Wildlife Resources Commission may authorize the disbursement of the  
8 principal of the Marine Resources Fund and marine resources investment income only  
9 to manage, restore, develop, cultivate, conserve, and enhance the marine resources of  
10 the State."

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

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

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

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

16 **"§ 113-175.5. North Carolina Marine Resources Endowment Fund.**

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

22           (1)   Endowment license revenues.

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

25           (3)   Funds realized from the sale, lease, rental, or other grant of rights to  
26 real or personal property acquired or produced with endowment  
27 license revenues.

28           (4)   Federal aid project reimbursements to the extent that endowment  
29 license revenues originally funded the project for which the  
30 reimbursement is made.

31           (5)   Transfers to the Endowment Fund.

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

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

41       (c)    The Endowment Fund is declared to constitute a special trust derived from a  
42 contractual relationship between the State and the members of the public whose  
43 investments contribute to the Endowment Fund. In recognition of this special trust, all



1 of the following restrictions are placed on disbursement of funds held in the Endowment  
2 Fund:

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

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

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

23 (d) The Wildlife Resources Commission may authorize the disbursement of  
24 endowment investment income only to manage, restore, develop, cultivate, conserve,  
25 and enhance the marine resources of the State.

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

31 **"§ 113-175.6. Marine Resources Committee.**

32 The Chair of the Wildlife Resources Commission shall designate five members of  
33 the Wildlife Resources Commission who shall serve as the Marine Resources  
34 Committee of the Wildlife Resources Commission. The Marine Resources Committee  
35 shall advise the Wildlife Resources Commission on the disbursement of funds from the  
36 Marine Resources Fund pursuant to G.S. 113-175.1 and from the Marine Resources  
37 Endowment Fund pursuant to G.S. 113-175.5."

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

39 **"§ 113-270.1. License agents.**

40 (a) The Wildlife Resources Commission may by rule provide for the ~~annual~~  
41 appointment of persons as license agents to sell licenses and permits ~~which it that the~~  
42 Commission is authorized to issue by this Subchapter or by any other provisions of law.  
43 To facilitate the convenience of the public, the efficiency of administration, the need to  
44 keep statistics and records affecting the conservation of wildlife resources, boating,

1 water safety, and other matters within the jurisdiction of the Wildlife Resources  
2 Commission, and the need to issue licenses and permits containing special restrictions,  
3 the Wildlife Resources Commission may issue licenses and permits in any particular  
4 category through:

- 5 (1) License agents.
- 6 (2) The Wildlife Resources Commission's headquarters.
- 7 (3) Employees of the Wildlife Resources Commission.
- 8 (4) Two or more such sources simultaneously.

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

12 (b) License agents may deduct from the amount collected for each license a fee  
13 of six percent (6%).

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

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

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

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

1       (b3) The Wildlife Resources Commission is exempt from the contested case  
2 provisions of Chapter 150B with respect to determinations of whether to authorize or  
3 terminate the authority of a person to sell licenses and permits as a license agent of the  
4 Wildlife Resources Commission. If any check or bank account draft of any license agent  
5 for the issuance of licenses or permits shall be returned by the banking facility upon  
6 which the same is drawn for lack of funds, the license agent shall be liable to the  
7 Commission for a penalty of five percent (5%) of the amount of the check or bank  
8 account draft, but in no event shall the penalty be less than five dollars (\$5.00) or more  
9 than two hundred dollars (\$200.00). License agents shall be assessed a penalty of  
10 twenty-five percent (25%) of their issuing fee on all remittances to the Commission  
11 after the fifteenth day of the month immediately following the month of sale.

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

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

- 31           (1) ~~To withhold~~Withhold or misappropriate funds from the sale of  
32           ~~licenses;licenses.~~
- 33           (2) ~~To falsify~~Falsify records of licenses sold;or permits sold.
- 34           (3) ~~Wilfully~~Willfully and knowingly ~~to assist or allow a person to obtain~~  
35           ~~a license or permit for which he is ineligible;~~the person is ineligible.
- 36           (4) ~~Wilfully to~~Willfully issue a backdated ~~license;~~license or permit.
- 37           (5) ~~Wilfully on records or licenses to~~Willfully include false information or  
38           ~~omit material information as to;~~on records, licenses, or permits  
39           ~~regarding either:~~
- 40               a.       A person's entitlement to a particular ~~license;~~or license.
- 41               b.       The applicability or term of a particular ~~license;~~or license.
- 42           (6) ~~To refuse to return all consigned licenses, or to remit the net value of~~  
43 ~~consigned licenses sold or unaccounted for, upon demand from an~~  
44 ~~authorized employee of the Wildlife Resources Commission.~~Charge or

1           accept any additional fee, remuneration, or other item of value in  
2           association with any activity set out in subdivisions (1) through (5) of  
3           this subsection.

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

21           ~~(f) If a hearing is requested, it is before the Executive Director or his designee to~~  
22           ~~be held at Raleigh or some other place convenient to the parties specified by the~~  
23           ~~Executive Director. The temporary suspension remains in effect until the hearing, and~~  
24           ~~after the hearing may be rescinded or continued in effect, as the facts warrant, in the~~  
25           ~~discretion of the Executive Director. A temporary suspension may not last longer than~~  
26           ~~30 days, but additional suspensions may be imposed if at the end of the suspension~~  
27           ~~period the license agent is still not in compliance with appropriate standards,~~  
28           ~~qualifications, and administrative directives. A license agent may at any time after a~~  
29           ~~hearing appeal his suspension to the Wildlife Resources Commission.~~

30           ~~(g) Notice of revocation or nonrenewal of the appointment may be sent the~~  
31           ~~license agent in lieu of or in addition to temporary suspension. The notice must state the~~  
32           ~~grounds for termination of the appointment and the license agent's right to a hearing if~~  
33           ~~he has not previously been afforded one. If the appointment is to be revoked, the notice~~  
34           ~~must state the effective date and hour of revocation. If the appointment is not to be~~  
35           ~~renewed, the notice must state that the appointment expires at midnight on April 30. If~~  
36           ~~he has not been previously afforded a hearing, a license agent is entitled to a hearing~~  
37           ~~within 14 days before the Executive Director or his designee to be held at Raleigh or~~  
38           ~~some other place convenient to the parties specified by the Executive Director. After the~~  
39           ~~hearing, the Executive Director, applying appropriate standards, must take the action~~  
40           ~~with respect to the appointment as license agent that the facts warrant. If the Executive~~  
41           ~~Director upholds the decision to terminate the appointment, a license agent may appeal~~  
42           ~~his termination to the Wildlife Resources Commission. Pending the hearing and any~~  
43           ~~appeal from it, the termination is held in abeyance, but no license sales may be made~~  
44           ~~once the license agent's bond has expired.~~

1       (h) ~~Upon termination of the appointment, the former agent must return to the~~  
2 ~~Wildlife Resources Commission all record books, reports, license forms, moneys, and~~  
3 ~~other property pertaining to the license agency, and must allow agents of the Wildlife~~  
4 ~~Resources Commission to conduct necessary inspections and audits required in~~  
5 ~~terminating the license agency. Each day's refusal after termination to return, upon~~  
6 ~~demand, the record books, reports, license forms, moneys, and other property pertaining~~  
7 ~~to the license agency is a separate offense. Each instance of refusal, after termination, to~~  
8 ~~allow agents of the Wildlife Resources Commission to conduct necessary inspections~~  
9 ~~and audits during regular business hours is a separate offense. A violation of this~~  
10 ~~subsection is a Class 2 misdemeanor. Before termination, violations by license agents~~  
11 ~~are punishable under G.S. 113-135, subsection (d) above, or other provision of this~~  
12 ~~Subchapter, as appropriate.~~

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

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

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

28       "**§ 113-270.1C. Combination hunting and inland fishing licenses.**

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

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

38       (1) Resident Annual Combination Hunting and Inland Fishing License –  
39       \$20.00. This license shall be issued only to an individual resident of  
40       the State.

41       (2), (3) Repealed by Session Laws 1997-326, s. 2.

42       (4) ~~Lifetime Combination Hunting and Fishing License for Disabled~~  
43 ~~Residents—\$10.00. This license shall be issued only to (i) an~~  
44 ~~individual resident of the State who is a fifty percent (50%) or more~~

1 ~~disabled veteran as determined by the United States Department of~~  
2 ~~Veterans Affairs, remaining valid for the lifetime of the individual so~~  
3 ~~long as the individual remains fifty percent (50%) or more disabled; or~~  
4 ~~(ii) an individual resident of the State who is totally disabled,~~  
5 ~~remaining valid for the lifetime of the individual so long as the~~  
6 ~~individual remains totally disabled. For purposes of this section,~~  
7 ~~"totally disabled" means physically incapable of being gainfully~~  
8 ~~employed. The application form for this license, to be provided by the~~  
9 ~~Wildlife Resources Commission, allows a person to apply only for the~~  
10 ~~fishing privileges conveyed by the license. This license entitles the~~  
11 ~~holder to fish in public mountain trout waters as provided in~~  
12 ~~G.S. 113-272(a).~~

13 (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland  
14 Fishing License – \$10.00. This license shall be issued only to an  
15 individual who is a resident of the State and who is a fifty percent  
16 (50%) or more disabled veteran as determined by the United States  
17 Department of Veterans Affairs. This license remains valid for the  
18 lifetime of the licensee so long as the licensee remains fifty percent  
19 (50%) or more disabled. The application form for this license, to be  
20 provided by the Wildlife Resources Commission, allows an individual  
21 to apply only for the fishing privileges conveyed by the license. This  
22 license entitles the licensee to fish in public mountain trout waters as  
23 provided in G.S. 113-272(a).

24 (6) Resident Totally Disabled Lifetime Combination Hunting and Inland  
25 Fishing License – \$10.00. This license shall be issued only to an  
26 individual who is a resident of the State and who is totally and  
27 permanently disabled as determined by the Social Security  
28 Administration. This license remains valid for the lifetime of the  
29 licensee. The application form for this license, to be provided by the  
30 Wildlife Resources Commission, allows an individual to apply only  
31 for the fishing privileges conveyed by the license. This license entitles  
32 the licensee to fish in public mountain trout waters as provided in  
33 G.S. 113-272(a)."

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

35 **"§ 113-270.1D. Sportsman licenses.**

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

43 (b) Lifetime Sportsman Licenses. Lifetime sportsman licenses are valid for the  
44 lifetime of the ~~holders~~-licensees and entitle the ~~holders~~-licensees to take all wild animals

1 and wild birds by all lawful methods in all open seasons, including the use of game  
2 lands, and to fish with hook and line for all fish in all inland and joint fishing waters,  
3 including public mountain trout waters. A lifetime sportsman license issued under this  
4 section does not entitle the licensee to engage in recreational fishing in coastal fishing  
5 waters that are not joint fishing waters. Lifetime sportsman licenses issued by the  
6 Wildlife Resources Commission are:

- 7 (1) Infant Lifetime Sportsman License – \$200.00. This license shall be  
8 issued only to an individual under one year of age.
- 9 (2) Youth Lifetime Sportsman License – \$350.00. This license shall be  
10 issued only to an individual under 12 years of age.
- 11 (3) Adult Resident Lifetime Sportsman License – \$500.00. This license  
12 shall be issued only to an individual resident of the State.
- 13 (4) Nonresident Lifetime Sportsman License – ~~\$1,000.~~\$1,000.00. This  
14 license shall be issued only to an individual nonresident of the State.
- 15 (5) Age 70 Resident Lifetime Sportsman License – \$10.00. This license  
16 shall be issued only to an individual resident of the State who is at  
17 least 70 years of age.
- 18 ~~(6) Disabled Resident Sportsman License – \$100.00. This license shall be~~  
19 ~~issued only to (i) an individual resident of the State who is a fifty~~  
20 ~~percent (50%) or more disabled veteran as determined by the United~~  
21 ~~States Department of Veterans Affairs, remaining valid for the lifetime~~  
22 ~~of the individual so long as the individual remains fifty percent (50%)~~  
23 ~~or more disabled; or (ii) an individual resident of the State who is~~  
24 ~~totally disabled, remaining valid for the lifetime of the individual so~~  
25 ~~long as the individual remains totally disabled. For purposes of this~~  
26 ~~section, "totally disabled" means physically incapable of being~~  
27 ~~gainfully employed.~~
- 28 (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00.  
29 This license shall be issued only to an individual who is a resident of  
30 the State and who is a fifty percent (50%) or more disabled veteran as  
31 determined by the United States Department of Veterans Affairs. This  
32 license remains valid for the lifetime of the licensee so long as the  
33 licensee remains fifty percent (50%) or more disabled.
- 34 (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00.  
35 This license shall be issued only to an individual who is a resident of  
36 the State and who is totally and permanently disabled as determined by  
37 the Social Security Administration. This license remains valid for the  
38 lifetime of the licensee."

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

40 "**§ 113-271. Hook-and-line licenses in inland fishing waters.**

41 (a) An inland hook-and-line fishing license issued under this section entitles the  
42 licensee to fish with hook and line in inland fishing waters and joint fishing waters. An  
43 inland hook-and-line fishing license issued under this section does not entitle the  
44 licensee to engage in recreational fishing in coastal fishing waters that are not joint

1 fishing waters. An inland hook-and-line fishing license issued under subdivision (1),  
2 (3), (7), or (9) of subsection (d) of this section entitles the licensee ~~All the hook and line~~  
3 ~~fishing licenses set forth in subdivisions (1), (3), (7), and (9) of subsection (d) of this~~  
4 ~~section entitle the holder to fish with hook and line in public mountain trout waters.~~

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

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

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

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

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

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

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

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

21 (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses  
22 are valid only for the date or consecutive dates indicated on the  
23 licenses. Short-term inland fishing licenses issued by the Wildlife  
24 Resources Commission are:

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

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

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

31 (6a) Age 70 Resident Lifetime Inland Fishing License – \$10.00. This  
32 license shall be issued only to an individual resident of the State who is  
33 at least 70 years of age.

34 (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$100.00.  
35 This license shall be issued only to an individual who is a resident of  
36 the State and who is a fifty percent (50%) or more disabled veteran as  
37 determined by the United States Department of Veterans Affairs. This  
38 license remains valid for the lifetime of the licensee so long as the  
39 licensee remains fifty percent (50%) or more disabled.

40 (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$100.00.  
41 This license shall be issued only to an individual who is a resident of  
42 the State and who is totally and permanently disabled as determined by  
43 the Social Security Administration. This license remains valid for the  
44 lifetime of the licensee.



- 1           (7) ~~Lifetime Fishing License for the Legally Blind—No charge. This~~  
2           ~~license shall be issued only to an individual resident of the State who~~  
3           ~~has been certified by the Department of Health and Human Services as~~  
4           ~~a person whose vision with glasses is insufficient for use in ordinary~~  
5           ~~occupations for which sight is essential. This license is valid for the~~  
6           ~~life of the individual so long as he remains legally blind.~~
- 7           (8) ~~Adult Care Home Resident Fishing License—No charge. This license~~  
8           ~~shall be issued only to an individual resident of the State who resides~~  
9           ~~in an adult care home as defined in G.S. 131D-2(a)(3) or~~  
10           ~~G.S. 131E-101(4). This license is valid for the life of the individual so~~  
11           ~~long as the individual remains a resident of an adult care home.~~
- 12           (9) Special Guest Inland Fishing License – \$50.00. This license shall be  
13           issued only to the owner or lessee of private property bordering inland  
14           or joint fishing waters, including public mountain trout waters, and  
15           entitles ~~persons~~individuals to fish from the shore or any pier or dock  
16           originating from the property without any additional fishing license.  
17           This license is applicable only to private property and private docks  
18           and piers and is not valid for any public property, pier, or dock nor for  
19           any private property, pier, or dock operated for any commercial  
20           purpose whatsoever. The guest fishing license shall not be in force  
21           unless displayed on the premises of the property and only entitles  
22           fishing without additional license to ~~persons~~individuals fishing from  
23           the licensed property and then only when fishing within the private  
24           property lines. The guest fishing license is not transferable as to person  
25           or location."

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

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

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

33           "(c1) Upon receipt of a proper application together with a fee of ~~two~~five dollars  
34           ~~(\$2.00),(\$5.00),~~ the Wildlife Resources Commission may issue a new license or permit  
35           to replace one that has been lost or destroyed before its expiration. The application must  
36           be on a form of the Wildlife Resources Commission setting forth information in  
37           sufficient detail to allow ready identification of the lost or destroyed license or permit  
38           and ascertainment of the applicant's continued entitlement to it."

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

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

41           "(j) A migrant farm worker who has in his possession a temporary certification of  
42           his status as such by the Rural Employment Service of the North Carolina Employment  
43           Security Commission on a form provided by the Wildlife Resources Commission is

1 entitled to the privileges of a resident of the State and of the county indicated on such  
2 certification during the term thereof for the purposes of:

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

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

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

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

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

12 "**§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license**  
13 **requirements and exemptions.**

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

17 (1) [Reserved.]

18 (2) Regulate license requirements and exemptions applying to the taking  
19 of wildlife on particular waters forming or lying across a county  
20 boundary where there may be confusion as to the location of the  
21 boundary, hardship imposed as to the location of the boundary, or  
22 difficulty of administering or enforcing the law with respect to the  
23 actual boundary location.

24 (3) Require persons subject to license requirements, and persons exempt  
25 from license requirements, to carry, display, or produce identification  
26 that may be necessary to substantiate the person's entitlement to a  
27 particular license or to a particular exemption from license  
28 requirements.

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

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

42 (b) The Wildlife Resources Commission shall not disclose personal information  
43 provided by an applicant for a license issued under Article 21 or Article 25A of Chapter  
44 113 of the General Statutes."

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

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

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

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

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

21                                   "Article 25A.

22                                   "Unified Licenses.

23           "§ 113-351. Unified hunting and fishing licenses; subsistence voucher.

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

25           (b) General Provisions Governing Licenses and Vouchers. – The general  
26 provisions governing licenses set out in G.S. 113-174.1 apply to licenses and vouchers  
27 issued under this section.

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

- 31           (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing  
32 License. – \$55.00. This license is valid for a period of one year from  
33 the date of issuance. This license shall be issued only to an individual  
34 who is a resident of the State. This license authorizes the licensee to  
35 take all wild animals and wild birds, including waterfowl, by all lawful  
36 methods in all open seasons, including the use of game lands; to fish  
37 with hook and line for all fish in all inland fishing waters and joint  
38 fishing waters, including public mountain trout waters; and to engage  
39 in recreational fishing in coastal fishing waters.  
40           (2) Annual Resident Unified Inland/Coastal Recreational Fishing License.  
41 – \$35.00. This license is valid for a period of one year from the date of  
42 issuance. This license shall be issued only to an individual who is a  
43 resident of the State. This license authorizes the licensee to fish with  
44 hook and line for all fish in all inland fishing waters and joint fishing

1 waters, including public mountain trout waters and to engage in  
2 recreational fishing in coastal fishing waters.

3 (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. –  
4 Except as provided in sub-subdivisions f., g., h., and i. of this  
5 subdivision, a license issued under this subdivision is valid for the  
6 lifetime of the licensee. A license issued under this subdivision  
7 authorizes the licensee to take all wild animals and wild birds,  
8 including waterfowl, by all lawful methods in all open seasons,  
9 including the use of game lands; to fish with hook and line for all fish  
10 in all inland fishing waters and joint fishing waters, including public  
11 mountain trout waters; and to engage in recreational fishing in coastal  
12 fishing waters.

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

16 b. Youth Lifetime Unified Sportsman/Coastal Recreational  
17 Fishing License. – \$450.00. This license shall be issued only to  
18 an individual who is one year of age or older but younger than  
19 12 years of age.

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

24 d. Nonresident Adult Lifetime Unified Sportsman/Coastal  
25 Recreational Fishing License. – \$1,350.00. This license shall be  
26 issued only to an individual who is 12 years of age or older and  
27 who is not a resident of the State.

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

32 f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal  
33 Recreational Fishing License. – \$110.00. This license shall be  
34 issued only to an individual who is a resident of the State and  
35 who is a fifty percent (50%) or more disabled veteran as  
36 determined by the United States Department of Veterans  
37 Affairs. This license remains valid for the lifetime of the  
38 licensee so long as the licensee remains fifty percent (50%) or  
39 more disabled.

40 g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal  
41 Recreational Fishing License. – \$110.00. This license shall be  
42 issued only to an individual who is a resident of the State and  
43 who is totally and permanently disabled as determined by the

1                    Social Security Administration. This license remains valid for  
2                    the lifetime of the licensee.

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

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

18                   (4) Lifetime Unified Inland/Coastal Recreational Fishing License. –  
19                   \$450.00. This license is valid for the lifetime of the licensee and  
20                   authorizes the licensee to fish with hook and line for all fish in all  
21                   inland fishing waters and joint fishing waters, including public  
22                   mountain trout waters and to engage in recreational fishing in coastal  
23                   fishing waters.

24                   (d) Resident Subsistence Unified Inland/Coastal Recreational Fishing Voucher. –  
25                   A County Department of Social Services shall issue a Resident Subsistence Unified  
26                   Inland/Coastal Recreational Fishing Voucher to an individual who receives benefits  
27                   from Medicaid, Food Stamps, or Work First through the County Department of Social  
28                   Services. County Departments of Social Services shall supply the Wildlife Resources  
29                   Commission with the name, mailing address, and telephone number of each individual  
30                   who receives a voucher. This voucher shall be issued at no charge. This voucher is valid  
31                   for a period of one year from the date of issuance. This voucher shall be issued only to  
32                   an individual who is a resident of the State. This voucher authorizes the voucher holder  
33                   to fish with hook and line for all fish in all inland fishing waters and joint fishing  
34                   waters, except for public mountain trout waters, and to engage in recreational fishing in  
35                   coastal fishing waters."

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

37                   "(h) Neither the Commission nor the Department may disclose personal  
38 information provided by an applicant for a license issued under Article ~~14A~~ 14B ~~or~~  
39 Article 25A of Chapter 113 of the General Statutes."

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

42                   "(e) Exemptions From Contested Case Provisions. – The contested case  
43 provisions of this Chapter apply to all agencies and all proceedings not expressly

1 exempted from the Chapter. The contested case provisions of this Chapter do not apply  
2 to the following:

3 ...

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

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

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

10 "SECTION 15. Sections 2, 3, and 4 of this act become effective ~~January~~  
11 March 1, 2006. All other sections of this act become effective when the act becomes  
12 law."

13 **SECTION 27.** Notwithstanding G.S. 143-250.1, the State Treasurer shall  
14 transfer the sum of three million dollars (\$3,000,000) from the Wildlife Endowment  
15 Fund to the Marine Resources Endowment Fund. This transfer shall be made in five  
16 equal installments of six hundred thousand dollars (\$600,000) on the first day of March  
17 in 2006, 2007, 2008, 2009, and 2010.

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

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

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

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

1                   the Wildlife Resources Commission, in the event of the termination of  
2                   a license agent.

3                   **SECTION 29.** If any section or provision of this act is declared  
4                   unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
5                   provision does not affect the validity of this act as a whole or any part of this act other  
6                   than the part declared to be unconstitutional or invalid.

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