

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-455
SENATE BILL 1126**

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE COASTAL RECREATIONAL FISHING LICENSE, TO EXEMPT FROM COASTAL RECREATIONAL FISHING LICENSE REQUIREMENTS ONLY THOSE INDIVIDUALS WHO ARE UNDER SIXTEEN YEARS OF AGE OR WHO HOLD CERTAIN LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION THAT WERE PURCHASED PRIOR TO JANUARY 1, 2006, TO PROVIDE FOR A STATEWIDE SUBSISTENCE FISHING LICENSE WAIVER, TO PROHIBIT THE WILDLIFE RESOURCES COMMISSION FROM DISCLOSING PERSONAL IDENTIFYING INFORMATION OF LICENSEES AND OTHERS UNDER CERTAIN CIRCUMSTANCES, TO AMEND VARIOUS STATUTES RELATED TO THE WILDLIFE RESOURCES COMMISSION, TO PROVIDE A SYSTEM OF UNIFIED LICENSES UNDER WHICH INDIVIDUALS MAY FISH THROUGHOUT THE STATE, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DISBURSE FISHING LICENSE REVENUES AND INVESTMENT INCOME TO MANAGE THE MARINE RESOURCES OF THE STATE.

The General Assembly of North Carolina enacts:

PART I. AMEND FISHING LICENSE REQUIREMENTS

SECTION 1.1. The title of Article 14B of Chapter 113 of the General Statutes reads as rewritten:

"Article 14B.

~~Saltwater~~ Coastal Recreational Fishing Licenses."

SECTION 1.2. 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.

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

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

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

SECTION 1.3. G.S. 113-174.1 reads as rewritten:

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

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

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

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

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

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

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

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

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

(e) Enforcement for Charterboats and Headboats. — ~~An inspector or other law enforcement officer may only verify the licensure of an individual fishing from a charterboat or headboat after the charterboat or headboat has returned to shore and the individual has disembarked from the charterboat or headboat. Except as provided in G.S. 113-174.2(d), each individual on board a charterboat or headboat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must have purchased a current SFL issued pursuant to G.S. 113-174.2. An owner, operator, or crew member of a charterboat or headboat is not responsible for the licensure of a customer fishing from a charterboat or headboat.~~

(f) Cancellation. Cancellation of Fraudulent License; Penalties. – The Division Wildlife Resources Commission may cancel a license issued by the Commission under this Article or Article 25A of this Chapter if the license was issued on the basis of false information supplied by the license applicant. The Division may cancel a For Hire

Blanket CRFL issued under G.S. 113-174.3 or an Ocean Fishing Pier Blanket CRFL issued under G.S. 113-174.4 if the license was issued on the basis of false information supplied by the license applicant. A cancelled license is void from the date of issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of the following:

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

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

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

SECTION 1.4. G.S. 113-174.2 reads as rewritten:

"§ 113-174.2. ~~Saltwater Coastal Recreational Fishing License.~~

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

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

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

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

- ~~(1) One year SFL; Annual Resident CRFL. – \$15.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State.~~
- ~~(1a) Annual Nonresident CRFL. – \$30.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is not a resident of the State.~~
- ~~(2) Two year SFL. – \$30.00. This license is valid for a period of two years from the date of issuance.~~
- ~~(3) Three year SFL. – \$45.00. This license is valid for a period of three years from the date of issuance.~~
- ~~(4) Seven day SFL; Ten-Day Resident CRFL. – \$1.00; \$5.00. This license is valid for a period of seven consecutive days; 10 consecutive days, as indicated on the license. An individual may purchase this license only once in any 12 month period. This license shall be issued only to an individual who is a resident of the State.~~
- ~~(4a) Ten-Day Nonresident CRFL. – \$10.00. This license is valid for a period of 10 consecutive days, as indicated on the license. This license shall be issued only to an individual who is not a resident of the State.~~

- (5) ~~Subsistence SFL. — An applicant for a license under this subdivision shall provide to the Division a certification from the Department of Health and Human Services that the individual falls below the federal poverty level. A license issued under this subdivision shall be issued without charge and is valid for a period of one year from the date of issuance.~~
- (6) Lifetime SFL/CRFLs. — This license is~~Except as provided in sub-subdivision j. of this subdivision, CRFLs issued under this subdivision are valid for the lifetime of the licensee. The fee for the Lifetime SFL, based on the age of the prospective licensee as of the date on which the application is filed with the Division, is:~~
 - a. ~~Younger than six years of age \$100.00~~
 - b. ~~Six years of age to younger than 11 years of age \$150.00~~
 - c. ~~11 years of age to younger than 18 years of age \$200.00~~
 - d. ~~18 years of age or older \$500.00~~
 - e. Infant Lifetime CRFL. — \$100.00. This license shall be issued only to an individual younger than one year of age.
 - f. Youth Lifetime CRFL. — \$150.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
 - g. Resident Adult Lifetime CRFL. — \$250.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - h. Nonresident Adult Lifetime CRFL. — \$500.00. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - i. Resident Elderly Lifetime CRFL. — \$15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - j. Resident Disabled Veteran CRFL. — \$10.00. 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. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
 - k. Resident Totally Disabled CRFL. — \$10.00. 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.

(d) ~~Exemptions. — An individual may engage in recreational fishing by means of recreational gear without having purchased a SFL~~is exempt from the license requirements of G.S. 113-174.1(a) if the individual is either:

- (1) ~~Is under 16 years of age, 18 years of age or younger and is currently enrolled in school and is making progress toward obtaining a high school diploma or its equivalent.~~
- (2) Holds any of the following licenses that were purchased prior to January 1, 2006:
 - a. Infant Lifetime Sportsman License issued under G.S. 113-270.1D(b)(1).
 - b. Youth Lifetime Sportsman License issued under G.S. 113-270.1D(b)(2).
 - c. Adult Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(3).

- d. Nonresident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(4).
 - e. Age 70 Resident Lifetime Sportsman License issued under G.S. 113-270.1D(b)(5).
 - f. Lifetime Resident Comprehensive Fishing License issued under G.S. 113-271(d)(3).
 - g. Lifetime Combination Hunting and Fishing License for Disabled Residents issued under G.S. 113-270.1C(b)(4).
 - h. Disabled Resident Sportsman License issued under G.S. 113-270.1D(b)(6).
- (3) Holds any of the following licenses:
- a. Lifetime Fishing License for the Legally Blind issued under G.S. 113-271(d)(7).
 - b. Adult Care Home Resident Fishing License issued under G.S. 113-271(d)(8)."

SECTION 1.5. Article 14B of Chapter 113 of the General Statutes is amended by adding two new sections to read:

"§ 113-174.3. For Hire Blanket CRFL.

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

- (1) Two hundred fifty dollars (\$250.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry six or fewer passengers.
- (2) Three hundred fifty dollars (\$350.00) for a vessel captained by an individual who holds a certification from the United States Coast Guard to carry greater than six passengers.

(b) Implementation. – Except as provided in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must hold a license issued under this Article or Article 25A of this Chapter. An owner, operator, or crew member of a for hire boat is not responsible for the licensure of a customer fishing from the boat.

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

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

SECTION 1.6. G.S. 113-270.1C reads as rewritten:

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

(a) The combination hunting and inland fishing licenses set forth in subsection (b) of this section entitle the ~~holder~~ licensee to take, except on game lands, all wild birds and wild animals, other than big game and waterfowl, by all lawful methods and in all open seasons, and to fish with hook and line in all inland and joint fishing waters, except public mountain trout waters. A combination hunting and inland fishing license

issued under this section does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.

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

- (1) Resident Annual Combination Hunting and Inland Fishing License – \$20.00. This license shall be issued only to an individual resident of the State.
- (2), (3) Repealed by Session Laws 1997-326, s. 2.
- ~~(4) Lifetime Combination Hunting and Fishing License for Disabled Residents – \$10.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed. The application form for this license, to be provided by the Wildlife Resources Commission, allows a person to apply only for the fishing privileges conveyed by the license. This license entitles the holder to fish in public mountain trout waters as provided in G.S. 113-272(a).~~
- (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License – \$10.00. 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. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).
- (6) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License – \$10.00. 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. This license remains valid for the lifetime of the licensee. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a)."

SECTION 1.7. G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License – \$40.00. This license shall be issued only to an individual resident of the State and entitles the ~~holder~~-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. ~~Lifetime~~-Except as provided in subdivision (7) of this subsection, lifetime sportsman licenses are valid for the lifetime of the ~~holders~~ licensees, and Lifetime sportsman licenses entitle the ~~holders~~-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.
- (4) Nonresident Lifetime Sportsman License – \$1,000. This license shall be issued only to an individual nonresident of the State.
- (5) ~~Age 70–65 Resident Lifetime Sportsman License – \$10.00–\$15.00.~~ This license shall be issued only to an individual resident of the State who is at least ~~70–65~~ years of age.
- (6) ~~Disabled Resident Sportsman License – \$100.00. This license shall be issued only to (i) an individual resident of the State who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs, remaining valid for the lifetime of the individual so long as the individual remains fifty percent (50%) or more disabled; or (ii) an individual resident of the State who is totally disabled, remaining valid for the lifetime of the individual so long as the individual remains totally disabled. For purposes of this section, "totally disabled" means physically incapable of being gainfully employed.~~
- (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. 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."

SECTION 1.8. G.S. 113-271 reads as rewritten:

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

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

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

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

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

- (1) Resident Annual Comprehensive Inland Fishing License – \$20.00. This license shall be issued only to an individual resident of the State.
- (2) Resident State Inland Fishing License – \$15.00. This license shall be issued only to an individual resident of the State.
- (3) Lifetime Resident Comprehensive Inland Fishing License – \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the ~~holder~~licensee.

- (4) Resident County Inland Fishing License – \$10.00. This license shall be issued only to an individual resident of the State and is valid only within the county of residence of the ~~license holder~~licensee.
- (5) Nonresident State Inland Fishing License – \$30.00. This license shall be issued to an individual nonresident of the State.
- (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses are valid only for the date or consecutive dates indicated on the licenses. Short-term inland fishing licenses issued by the Wildlife Resources Commission are:
 - a. Resident ~~one day~~10-day Inland Fishing License – \$5.00. This license shall be issued only to a resident of the State.
 - b. Nonresident ~~one day~~10-day Inland Fishing License – \$10.00. This license shall be issued only to a nonresident of the State.
 - e. ~~Nonresident three day~~ \$15.00. This license shall be issued ~~only to a nonresident of the State~~.
- (6a) Age 65 Resident Lifetime Inland Fishing License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 65 years of age.
- (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00. 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. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
- (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00. 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. This license remains valid for the lifetime of the licensee.
- (7) ~~Lifetime Fishing License for the Legally Blind~~ – No charge. This license shall be issued only to an individual resident of the State who has been certified by the Department of Health and Human Services as a person whose vision with glasses is insufficient for use in ordinary occupations for which sight is essential. This license is valid for the life of the individual so long as he remains legally blind.
- (8) ~~Adult Care Home Resident Fishing License~~ – No charge. This license shall be issued only to an individual resident of the State who resides in an adult care home as defined in G.S. 131D-2(a)(3) or G.S. 131E-101(4). This license is valid for the life of the individual so long as the individual remains a resident of an adult care home.
- (9) Special Guest Inland Fishing License – \$50.00. This license shall be issued only to the owner or lessee of private property bordering inland or joint fishing waters, including public mountain trout waters, and entitles ~~persons~~individuals to fish from the shore or any pier or dock originating from the property without any additional fishing license. This license is applicable only to private property and private docks and piers and is not valid for any public property, pier, or dock nor for any private property, pier, or dock operated for any commercial purpose whatsoever. The guest fishing license shall not be in force unless displayed on the premises of the property and only entitles fishing without additional license to ~~persons~~individuals fishing from the licensed property and then only when fishing within the private property lines. The guest fishing license is not transferable as to person or location."

SECTION 1.9. G.S. 113-272.3(c) reads as rewritten:

"(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 ~~license holder~~ licensee."

SECTION 1.10. G.S. 113-275(c1) reads as rewritten:

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

SECTION 1.11. G.S. 113-276(e) is repealed.

SECTION 1.12. G.S. 113-276(j) reads as rewritten:

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

- (1) ~~Purchasing~~ purchasing and using the resident fishing licenses provided by G.S. 113-271(d)(2), (4), and ~~(6)a.~~; and (6)a.
- (2) ~~Utilizing the natural bait exemption in subsection (e) above.~~

SECTION 1.13. G.S. 113-276(m) reads as rewritten:

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

SECTION 1.14. G.S. 113-276 is amended by adding a new subsection to read:

"(n) The Wildlife Resources Commission may adopt rules to exempt individuals who participate in organized fishing events held in inland or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission."

SECTION 1.15. G.S. 113-296(b) reads as rewritten:

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

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

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

SECTION 1.16. Subchapter IV of Chapter 113 of the General Statutes is amended by adding a new Article to read:

"Article 25A.

"Unified Licenses.

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

- (a) Definitions. – The definitions set out in G.S. 113-174 apply to this Article.
- (b) General Provisions Governing Licenses and Waivers. – The general provisions governing licenses set out in G.S. 113-174.1 apply to licenses and waivers issued under this section.
- (c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The Wildlife Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License. – \$55.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes 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; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
- (2) Annual Resident Unified Inland/Coastal Recreational Fishing License. – \$35.00. This license is valid for a period of one year from the date of issuance. This license shall be issued only to an individual who is a resident of the State. This license authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.
- (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. – Except as provided in sub-subdivision f. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes 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; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.
 - a. Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$275.00. This license shall be issued only to an individual who is younger than one year of age.
 - b. Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$450.00. This license shall be issued only to an individual who is one year of age or older but younger than 12 years of age.
 - c. Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$675.00. This license shall be issued only to an individual who is 12 years of age or older but younger than 65 years of age and who is a resident of the State.
 - d. Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$1,350. This license shall be issued only to an individual who is 12 years of age or older and who is not a resident of the State.
 - e. Resident Elderly Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$30.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State.
 - f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$110.00. 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. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.

g. Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$110.00. 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.

(4) Lifetime Unified Inland/Coastal Recreational Fishing Licenses. – Except as provided in sub-subdivisions b. and c. of this subdivision, a license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters, and to engage in recreational fishing in coastal fishing waters.

a. Lifetime Unified Inland/Coastal Recreational Fishing License. – \$450.00.

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

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

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

SECTION 1.17. Article 24 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-254.5. Disclosure of personal identifying information.

(a) Personal identifying information obtained by the Commission from an applicant for a license, title, permit, or registration issued by the Commission, from a consumer who purchases or subscribes to a good or service offered by the Commission,

or from a donor in connection with any gift to the Commission is confidential under G.S. 132-1.2 and shall only be disclosed by the Commission as provided in this section.

(b) Personal identifying information obtained from the holder of a license issued under Article 14B or Article 25A of Chapter 113 of the General Statutes shall be disclosed to the Division of Marine Fisheries and the Marine Fisheries Commission.

(c) Personal identifying information may be disclosed to any officer, employee, or authorized representative of any federal, state, or local government agency if disclosure is necessary to carry out a proper function of the Commission or other agency.

(d) As used in this section, "personal identifying information" includes a person's mailing address, residence address, date of birth, telephone number, electronic mail address, driver license number, and social security number."

SECTION 1.18. Sections 3, 4, 9, 10, 11, and 12 of S.L. 2004-187 are repealed.

SECTION 1.19. Section 15 of S.L. 2004-187 reads as rewritten:

"SECTION 15. ~~Sections 2, 3, and 4~~ Section 2 of this act ~~become~~ becomes effective January 1, ~~2006-2007~~. All other sections of this act become effective when the act becomes law."

SECTION 1.20. The repeal by this act of the statutory authority of the Wildlife Resources Commission to issue a type of license shall not affect the authority of an individual to whom a license of that type is issued prior to the effective date of the repeal to engage in the activity that the repealed license type authorizes so long as the license is otherwise valid.

SECTION 1.21. G.S. 113-130(4) is amended by adding a new sub-subdivision to read:

"f. Students. – Nonresident students attending a university, college, or community college in the State."

PART II. MARINE RESOURCES FUND AND MARINE RESOURCES ENDOWMENT FUND

SECTION 2.1. The title of Article 14C of Chapter 113 of the General Statutes reads as rewritten:

"Article 14C.

~~North Carolina Saltwater Fishing~~ Marine Resources Fund and Marine Resources Endowment Fund."

SECTION 2.2. G.S. 113-175 reads as rewritten:

"§ 113-175. Definitions.

As used in this Article:

~~(1) "Board of Trustees" means the Board of Trustees of the Fund.~~

(1a) "Endowment Fund" means the North Carolina Marine Resources Endowment Fund.

(1b) "Endowment investment income" means interest and other income earned from the investment of the principal of the Endowment Fund.

(1c) "Endowment license revenues" means the net proceeds from the sale of licenses issued under G.S. 113-174.2(c)(6) and a portion of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4). The apportionment of the net proceeds from the sale of licenses issued under G.S. 113-351(c)(3) and (4) shall be jointly determined by the Division of Marine Fisheries and the Wildlife Resources Commission. In the event that the Division of Marine Fisheries and the Wildlife Resources Commission cannot agree on the apportionment, the Governor is authorized to determine the apportionment.

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

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

SECTION 2.3. G.S. 113-175.1 reads as rewritten:

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

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

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

(b) The State Treasurer shall hold the Marine Resources Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Marine Resources Fund in accordance with the provisions of G.S. 147-69.2 and ~~G.S. 147-69.3.~~ G.S. 147-69.3, and all marine resources investment income shall be deposited to the credit of the Marine Resources Fund. The State Treasurer shall disburse the principal of the Marine Resources Fund and marine resources investment income only upon the written direction of both the Marine Fisheries Commission and the Wildlife Resources Commission.

(c) The Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of the principal of the Marine Resources Fund and marine resources investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Marine Resources Fund shall be made by and through the Fisheries Director. Expenditure of the assets of the

Marine Resources Fund shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Marine Resources Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

SECTION 2.4. G.S. 113-175.2 is repealed.

SECTION 2.5. G.S. 113-175.3 is repealed.

SECTION 2.6. G.S. 113-175.4 is repealed.

SECTION 2.7. Article 14C of Chapter 113 of the General Statutes is amended by adding three new sections to read:

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

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

- (1) Endowment license revenues.
- (2) Proceeds of any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Endowment Fund.
- (3) Proceeds of any gifts, grants, or contributions to the Marine Fisheries Commission or the Division of Marine Fisheries that are not specifically designated for another purpose.
- (4) Funds realized from the sale, lease, rental, or other grant of rights to real or personal property acquired or produced from endowment investment income.
- (5) Federal aid project reimbursements to the extent that endowment investment income originally funded the project for which the reimbursement is made.
- (6) Transfers to the Endowment Fund.
- (7) Any endowment investment income or marine resources license revenue that is credited to the Endowment Fund for the purpose of increasing the principal of the Endowment Fund.

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

(c) Subject to the limitations set out in subsection (d) of this section, the Marine Fisheries Commission and the Wildlife Resources Commission may authorize the disbursement of endowment investment income only to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The Marine Fisheries Commission and the Wildlife Resources Commission may not authorize the disbursement of endowment investment income to establish positions without specific authorization from the General Assembly. All proposals to the Marine Fisheries Commission and the Wildlife Resources Commission for the disbursement of funds from the Endowment Fund shall be made by and through the Fisheries Director.

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

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

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

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

(e) Expenditure of the endowment investment income shall be made through the State budget accounts of the Division of Marine Fisheries in accordance with the provisions of the Executive Budget Act. The Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"§ 113-175.6. Report.

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

SECTION 2.8. The first report required pursuant to G.S. 113-175.7, as enacted by Section 2.7 of this act, is due by October 1, 2006.

SECTION 2.9. G.S. 113-174.2(d), as enacted by Section 1.4 of this act, provides that the holders of certain lifetime licenses purchased prior to January 1, 2006, are exempt from the license requirement for engaging in recreational fishing in coastal fishing waters. The General Assembly finds that, because the holders of these lifetime licenses will be authorized to take marine resources from the coastal fishing waters of the State, it is appropriate that a portion of the revenues derived from the sale of these lifetime licenses should be transferred to the Marine Resources Endowment Fund so that the endowment investment income generated by the transferred license revenues will be used to manage, protect, restore, develop, cultivate, conserve, and enhance the marine resources of the State. The General Assembly specifically finds that this transfer of funds is consistent with the overall spirit, intent, and purpose underlying the creation of the Wildlife Endowment Fund and the Marine Resources Endowment Fund. Therefore, in accordance with G.S. 143-250.1(d)(3), the State Treasurer shall transfer the sum of three million four hundred thousand dollars (\$3,400,000) from the Wildlife Endowment Fund to the Marine Resources Endowment Fund. This transfer shall be made in five equal installments of six hundred eighty thousand dollars (\$680,000) on the first day of March in 2006, 2007, 2008, 2009, and 2010.

SECTION 2.10.(a) The Wildlife Resources Commission may disburse up to one million dollars (\$1,000,000) from the Wildlife Resources Fund to implement this act.

SECTION 2.10.(b) The State Treasurer shall transfer a sum equal to the sum of funds disbursed pursuant to subsection (a) of this section from the Marine Resources Fund to the Wildlife Resources Fund on July 1, 2010.

PART III. WILDLIFE RESOURCES COMMISSION LICENSE AGENTS

SECTION 3.1.(a) The Wildlife Resources Commission shall adopt rules to provide for the following:

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

SECTION 3.1.(b) The Wildlife Resources Commission shall adopt rules to authorize the Executive Director to take the following actions related to license agents:

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

SECTION 3.2. G.S. 113-270.1 reads as rewritten:

"§ 113-270.1. License agents.

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

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

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

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

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

- (1) Qualifications of the license agents.

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

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

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

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

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

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

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

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

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

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

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

~~(g) Notice of revocation or nonrenewal of the appointment may be sent the license agent in lieu of or in addition to temporary suspension. The notice must state the grounds for termination of the appointment and the license agent's right to a hearing if he has not previously been afforded one. If the appointment is to be revoked, the notice must state the effective date and hour of revocation. If the appointment is not to be renewed, the notice must state that the appointment expires at midnight on April 30. If he has not been previously afforded a hearing, a license agent is entitled to a hearing within 14 days before the Executive Director or his designee to be held at Raleigh or~~

~~some other place convenient to the parties specified by the Executive Director. After the hearing, the Executive Director, applying appropriate standards, must take the action with respect to the appointment as license agent that the facts warrant. If the Executive Director upholds the decision to terminate the appointment, a license agent may appeal his termination to the Wildlife Resources Commission. Pending the hearing and any appeal from it, the termination is held in abeyance, but no license sales may be made once the license agent's bond has expired.~~

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

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

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

SECTION 3.3. G.S. 150B-1(e) is amended by adding a new subdivision to read:

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

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

PART IV. MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

SECTION 4.1. The headings to the parts of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SECTION 4.2. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

SECTION 4.3. Sections 1.13, 1.14, 1.17, 1.18, 1.19, 1.20, 4.1, 4.2, and 4.3 of this act are effective when this act becomes law. Section 2.10 of this act becomes effective July 1, 2005. Sections 1.9, 1.10, 1.15, 1.21, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, and 2.9 of this act become effective January 1, 2006. Section 3.3 of this act becomes effective January 1, 2006, and applies to determinations made on or after that date. Sections 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.11, 1.12, and 1.16 of this act become effective January 1, 2007. Section 3.1 of this act is effective when this act becomes law and expires on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 become effective. The Chair of the Wildlife Resources Commission shall notify the Revisor of Statutes when all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective. Section 3.2 of this act becomes effective on the date that all rules adopted by the Wildlife Resources Commission pursuant to Section 3.1 of this act become effective, except that G.S. 113-270.1(b3) and (b4) become effective January 1, 2006.

In the General Assembly read three times and ratified this the 23rd day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:51 p.m. this 29th day of September, 2005