

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35258-LL-168A (3/14)

Short Title: Migratory Game Bird Season Authority.

(Public)

Sponsors: Senator Swindell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT
SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO
ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.113-291.2 reads as rewritten:

**"§ 113-291.2. Seasons and bag limits on wild animals and birds; including animals and
birds taken in bag; possession and transportation of wildlife after taking.**

(a) In accordance with the supply of wildlife and other factors it determines to be of public importance, the Wildlife Resources Commission may fix seasons and bag limits upon the wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources. The authority to fix seasons includes the closing of seasons completely when necessary and fixing the hours of hunting. The authority to fix bag limits includes the setting of season and possession limits. Different seasons and bag limits may be set in differing areas; early or extended seasons and different or unlimited bag limits may be authorized on controlled shooting preserves, game lands, and public hunting grounds; and special or extended seasons may be fixed for those engaging in falconry, using primitive weapons, or taking wildlife under other special conditions.

Unless modified by rules of the Wildlife Resources Commission, the ~~seasons~~, shooting hours, bag limits, and possession limits fixed by the United States Department of Interior or any successor agency for migratory game birds in North Carolina must be followed, and a violation of the applicable federal rules is hereby made unlawful. When the applicable federal rules require that the State limit participation in seasons and/or bag limits for migratory game birds, the Wildlife Resources Commission may schedule managed hunts for migratory game birds. Participants in such hunts shall be selected at random by computer, and each applicant 16 years of age or older shall have the required general hunting license and the waterfowl hunting license prior to the drawing for the managed hunt. Each applicant under 16 years of age shall either have the required general hunting license and the waterfowl hunting license or shall apply as a member of a party that includes a properly licensed adult. All applications for managed waterfowl hunts shall be screened prior to the drawing for compliance with these requirements. A nonrefundable fee of ten dollars (\$10.00) shall be required of each applicant to defray the cost of processing the applications.

(a1) The Commission is authorized to issue proclamations to set seasons, shooting hours, bag limits, and possession limits that are congruent with the season framework established by United States Department of Interior or any successor agency. The Commission



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1 may delegate this authority to the Executive Director. Each proclamation shall state the hour
2 and date upon which it becomes effective and shall be issued at least 48 hours prior to the
3 effective date and time. A permanent file of the text of all proclamations shall be maintained in
4 the office of the Executive Director. Certified copies of proclamations are entitled to judicial
5 notice in any civil or criminal proceeding.

6 The Executive Director shall make reasonable effort to give notice of the terms of any
7 proclamation to persons who may be affected by it. This effort shall include press releases to
8 communications media, posting of notices at boating access areas and other places where
9 persons affected may gather, personal communication by agents of the Wildlife Resources
10 Commission, and other measures designed to reach persons who may be affected.
11 Proclamations under this subsection shall remain in force until rescinded following the same
12 procedure established for enactment.

13 ~~(a1)~~(a2) When the Executive Director of the Wildlife Resources Commission receives a
14 petition from the State Health Director declaring a rabies emergency for a particular county or
15 district pursuant to G.S. 130A-201, the Executive Director of the Wildlife Resources
16 Commission shall develop a plan to reduce the threat of rabies exposure to humans and
17 domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. The plan shall
18 be based upon the best veterinary and wildlife management information and techniques
19 available. The plan may involve a suspension or liberalization of any regulatory restriction on
20 the taking of foxes, raccoons, skunks, or bobcats, except that the use of poisons, other than
21 those used with dart guns, shall not be permitted under any circumstance. If the plan involves a
22 suspension or liberalization of any regulatory restriction on the taking of foxes, raccoons,
23 skunks, or bobcats, the Executive Director of the Wildlife Resources Commission shall prepare
24 and adopt temporary rules setting out the suspension or liberalization pursuant to
25 G.S. 150B-21.1(a)(1). The Executive Director shall publicize the plan and the temporary rules
26 in the major news outlets that serve the county or district to inform the public of the actions
27 being taken and the reasons for them. Upon notification by the State Health Director that the
28 rabies emergency no longer exists, the Executive Director of the Wildlife Resources
29 Commission shall cancel the plan and repeal any rules adopted to implement the plan. The
30 Executive Director of the Wildlife Resources Commission shall publicize the cancellation of
31 the plan and the repeal of any rules in the major news outlets that serve the county or district.

32 (b) Any individual hunter or trapper who in taking a wild animal or bird has wounded
33 or otherwise disabled it must make a reasonable effort to capture and kill the animal or bird. All
34 animals and birds taken that can be retrieved must be retrieved and counted with respect to any
35 applicable bag limits governing the individual taking the animal or bird.

36 (c) An individual who has lawfully taken game within applicable bag, possession, and
37 season limits may, except as limited by rules adopted pursuant to subsection (c1) of this
38 section, after the game is dead, possess and personally transport it for his own use by virtue of
39 his hunting license, and without any additional permit, subject to tagging and reporting
40 requirements that may apply to the fox and big game, as follows:

- 41 (1) In an area in which the season is open for the species, the game may be
42 possessed and transported without restriction.
- 43 (2) The individual may possess and transport the game lawfully taken on a trip:
 - 44 a. To his residence;
 - 45 b. To a preservation or processing facility that keeps adequate records
46 as prescribed in G.S. 113-291.3(b)(3) or a licensed taxidermist;
 - 47 c. From a place authorized in subparagraph b to his residence.
- 48 (3) The individual may possess the game indefinitely at his residence, and may
49 there accumulate lawfully-acquired game up to the greater of:
 - 50 a. The applicable possession limit for each species; or
 - 51 b. One half of the applicable season limit for each species.

1 The above subdivisions apply to an individual hunter under 16 years of age covered by the
2 license issued to his parent or guardian, if he is using that license, or by the license of an adult
3 accompanying him. An individual who has lawfully taken game as a landholder without a
4 license may possess and transport the dead game, taken within applicable bag, possession, and
5 season limits, to his residence. He may indefinitely retain possession of such game, within
6 aggregate possession limits for the species in question, in his residence.

7 (c1) In the event that the Executive Director finds that game carcasses or parts of game
8 carcasses are known or suspected to carry an infectious or contagious disease that poses an
9 imminent threat to the health or habitat of wildlife species, the Wildlife Resources Commission
10 shall adopt rules to regulate the importation, transportation, or possession of those carcasses or
11 parts of carcasses that, according to wildlife disease experts, may transmit such a disease.

12 (d) Except in the situations specifically provided for above, the Wildlife Resources
13 Commission may by rule impose reporting, permit, and tagging requirements that may be
14 necessary upon persons:

- 15 (1) Possessing dead wildlife taken in open season after the close of that season.
- 16 (2) Transporting dead wildlife from an area having an open season to an area
17 with a closed season.
- 18 (3) Transporting dead wildlife lawfully taken in another state into this State.
- 19 (4) Possessing dead wildlife after such transportation.

20 The Wildlife Resources Commission in its discretion may substitute written declarations to be
21 filed with agents of the Commission for permit and tagging requirements.

22 (e) Upon application of any landholder or agent of a landholder accompanied by a fee
23 of fifty dollars (\$50.00), the Executive Director may issue to such landholder or agent a special
24 license and a number of special antlerless or antlered deer tags that in the judgment of the
25 Executive Director is sufficient to accommodate the landholder or the landholder's agent's deer
26 population management objectives or correct any deer population imbalance that may occur on
27 the property. Subject to applicable hunting license requirements, the special deer tags may be
28 used by any person or persons selected by the landholder or his agent as authority to take
29 antlerless deer, including male deer with "buttons" or spikes not readily visible, or antlered deer
30 on the tract of land concerned during any established deer hunting season. The Executive
31 Director or designee may stipulate on the license that special deer tags for antlered deer, if
32 applicable, may only be valid for deer that meet certain minimum harvest criteria. The
33 Executive Director or designee may also define on the license valid hunt dates that fall outside
34 of the general deer hunting season. Harvested antlerless or antlered deer for which special tags
35 are issued shall be affixed immediately with a special deer tag and shall be reported
36 immediately in the wildlife cooperator tagging book supplied with the special deer tags. This
37 tagging book and any unused tags shall be returned to the Commission within 15 days of the
38 close of the season. The Wildlife Resources Commission may offer an alternate reporting
39 system when the Commission determines that such an alternate system is appropriate.
40 Antlerless or antlered deer taken under this program and tagged with the special tags provided
41 shall not count as part of the daily bag, possession, and season limits of the person taking the
42 deer."

43 **SECTION 2.** G.S. 113-291.1(f) reads as rewritten:

44 "(f) To keep North Carolina provisions respecting migratory game birds in substantial
45 conformity with applicable federal law and rules, the Wildlife Resources Commission may by
46 rule expand or modify provisions of this Article if necessary to achieve such ~~conformity,~~
47 ~~including allowing the use of electronic calls.~~ conformity. In particular, the Commission may
48 prohibit the use of rifles, ~~unplugged shotguns,~~ live decoys, and sinkboxes in the taking of
49 migratory game birds; vary shooting hours; adopt specific distances, not less than 300 yards,
50 hunters must maintain from areas that have been baited, and fix the number of days afterwards
51 during which it is still unlawful to take migratory game birds in the area; and adopt similar

1 provisions with regard to the use of live decoys. In the absence of rules of the Wildlife
2 Resources Commission to the contrary, the rules of the United States Department of the Interior
3 prohibiting the use of rifles, unplugged shotguns, toxic shot and sinkboxes in taking migratory
4 game birds in North Carolina shall apply, and any violation of such federal rules is unlawful."

5 **SECTION 3.** G.S. 113-291.1 is amended by adding a new subsection to read:

6 "(f1) The Commission is authorized to issue proclamations to allow the use of electronic
7 calls or unplugged shotguns to achieve substantial conformity with applicable federal law and
8 rules established by United States Department of Interior or any successor agency. The
9 Commission may delegate this authority to the Executive Director. Each proclamation shall
10 state the hour and date upon which it becomes effective, and shall be issued at least 48 hours
11 prior to the effective date and time. A permanent file of the text of all proclamations shall be
12 maintained in the office of the Executive Director. Certified copies of proclamations are
13 entitled to judicial notice in any civil or criminal proceeding.

14 The Executive Director shall make reasonable effort to give notice of the terms of any
15 proclamation to persons who may be affected by it. This effort shall include press releases to
16 communications media, posting of notices at boating access areas and other places where
17 persons affected may gather, personal communication by agents of the Wildlife Resources
18 Commission, and other measures designed to reach persons who may be affected.
19 Proclamations under this subsection shall remain in force until rescinded following the same
20 procedure established for enactment."

21 **SECTION 4.** This act becomes effective July 1, 2009.