

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 435
HOUSE BILL 602

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF DARE
COUNTY TO CREATE A DARE COUNTY GAME AND WILDLIFE
COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The Dare County Board of Commissioners is hereby authorized, subject to the provisions of this act, to create, in its discretion, a commission composed of 15 residents of Dare County to be known as the "Dare County Game and Wildlife Commission".

Sec. 2. All members of the initial commission, as well as vacancies occurring thereon by reason of death, resignation or otherwise, shall be filled by a majority vote of the county commissioners. To the initial commission, the county commissioners shall appoint five members for a one-year term, five members for a two-year term, and five members for a three-year term. Thereafter, all members of the commission shall serve five-year terms.

The initial chairman of the commission shall be chosen by the county commissioners from among those persons appointed for a three-year term and shall be chairman for three years. Thereafter the chairman of the commission shall be chosen by a majority vote of the commission members to serve for a three-year term. In the event the initial chairman or a subsequent chairman resigns as chairman or ceases to be a member of the commission for any reason, the commission shall choose a member of the commission to serve out the remaining term as chairman.

The commission shall elect from its membership a vice-chairman and a secretary-treasurer, each of whom shall serve a one-year term. Vacancies in the office of vice-chairman and secretary-treasurer shall be filled in the same manner as that of chairman.

No officer of the commission shall succeed himself for more than three successive terms.

A quorum of the commission shall be nine and a simple majority of those present shall be necessary to take official action.

The commission shall meet at least twice in each calendar year in Dare County and it shall meet upon call of the chairman or upon written request of any five members.

It shall not be a conflict of interest for a commission member to discuss or vote upon his own license application.

Sec. 3. The commission shall have full authority in the licensing of exclusive geographic locations in Dare County for the purpose of hunting transitory wildfowl from a blind, box or other permanent or semipermanent structure or device constructed thereon.

The commission shall maintain a map and record system defining site locations and licensees.

The commission is authorized to collect a fee of no more than five dollars (\$5.00) per renewal license issued and twenty-five dollars (\$25.00) per new license issued which fees shall be used to defray expenses in the printing of licenses and any other necessary or proper expenses of the commission. Funds shall be held and accounted for as required by the General Statutes for counties or municipalities.

Licenses shall be issued for the period July 1 through June 30 each year and the balance in the account of the commission on June 30 shall be paid to the General Fund of Dare County.

The commission shall, after a public hearing to discuss proposed rules and regulations, establish, adopt and publish written rules and regulations, which shall be available to the public for a reasonable fee, governing the issuance and reissuance of licenses.

The commission shall adopt an official seal, a facsimile of which shall be exhibited on all licenses.

Sec. 4. The commission shall have authority to hear and review all licensing disputes, shall have authority to subpoena witnesses, and shall notify all direct parties in interest by certified mail at least 10 days prior to the hearing. The commission shall have power to grant, alter, revise or revoke licenses in accord with its rules and regulations.

Appeals from decisions of the commission shall be to the district court, where they shall be heard *de novo*.

The granting of a license is a privilege and not a vested property right.

Sec. 5. After rules and regulations are established by the commission, the Dare county Board of Commissioners is authorized to enact an ordinance providing it is a misdemeanor to hunt within a prohibited distance of an occupied and properly licensed blind unless the hunting is from a blind licensed pursuant to this act.

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1977.