

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 778
HOUSE BILL 1940

AN ACT TO ESTABLISH A COMMERCIAL SPECIAL DEVICE LICENSE.

Whereas, the United States Supreme Court has recognized that a retaliatory tax imposed by a state serves the legitimate state purpose of deterring other states from imposing discriminatory or excessive taxes on a business that is domiciled in that state and operates in other states; and

Whereas, retaliatory fishing license fees imposed by a state serve the same purpose of deterring another state from imposing fishing license fees on residents of that state that are discriminatory or excessive when compared to the fees imposed on residents of the other state; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-272.2(c) reads as rewritten:

"(c) The special device licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident Noncommercial Special Device License – \$10.00. Except as rules of the Wildlife Resources Commission provide for use of equipment by more than one person, this license is valid only for use by an individual resident of the State. It authorizes the taking of nongame fish from inland fishing waters with no more than three special devices authorized by the rules of the Wildlife Resources Commission for use in specified waters. The Wildlife Resources Commission may restrict the user of the license to specified registered equipment, require tagging of items of equipment, charge up to one dollar (\$1.00) per tag issued, and require periodic catch data reports. Unless specifically prohibited, nongame fish lawfully taken under this license may be sold.
- (1a) Resident Commercial Special Device License – \$100.00. Except as rules of the Wildlife Resources Commission provide for use of equipment by more than one person, this license is valid only for use by an individual resident of the State. It authorizes the taking of nongame fish from inland fishing waters with four or more special devices authorized by the rules of the Wildlife Resources Commission for use in specified waters. The Wildlife Resources Commission may restrict the user of the license to specified registered equipment, require tagging of items of equipment, charge up to one dollar (\$1.00)

per tag issued, and require periodic catch data reports. Nongame fish lawfully taken under this license may be sold.

- (2) Nonresident Noncommercial Special Device License – \$50.00. Except as rules of the Wildlife Resources Commission provide for use of equipment by more than one person, this license is valid for use only by an individual within the State. It is otherwise subject to the terms and conditions set out in subdivision (1) ~~above.~~ of this subsection.
- (2a) Nonresident Commercial Special Device License – \$100.00 or the amount the nonresident's state of residence charges a North Carolina resident to engage in the activity authorized by this license, whichever is higher. Except as rules of the Wildlife Resources Commission provide for use of equipment by more than one person, this license is valid only for use by an individual within the State. It is otherwise subject to the terms and conditions set out in subdivision (1a) of this subsection.
- (3), (4) Repealed by Session Laws 1987, c. 156, s. 11, effective July 1, 1987."

Sec. 2. This act becomes effective August 1, 1994.

In the General Assembly read three times and ratified this the 17th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives