

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 352

Short Title: Black Bear Management.

(Public)

Sponsors: Senators Brown (Primary Sponsor); and Newton.

Referred to: Agriculture/Environment/Natural Resources.

March 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE
3 PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND TO AMEND THE
4 LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 113-270.3 reads as rewritten:

7 "**§ 113-270.3. Special activity licenses; stamps; big game kill reports.**

8 (a) In addition to any hunting, trapping, or fishing license that may be required pursuant
9 to G.S. 113-270.1B(a), individuals engaging in specially regulated activities must have the
10 appropriate special activity license and stamp prescribed in this section before engaging in the
11 regulated activity.

12 (b) The special activity licenses and stamp issued by the Wildlife Resources
13 Commission are as follows:

14 (1) Resident Big Game Hunting License – \$10.00. This license shall be issued
15 only to an individual resident of the State and entitles the holder to take big
16 game by all lawful methods and during all open seasons.

17 (1a) Nonresident Bear Hunting License – ~~\$125.00~~ \$225.00. This license is valid
18 for use only by an individual within the State and must be procured before
19 taking any bear within the State. Notwithstanding any other provision of
20 law, a nonresident individual may not take any bear within the State without
21 procuring this license; provided, that those persons who have a nonresident
22 lifetime sportsman combination license purchased prior to May 24, 1994,
23 shall not have to purchase this license.

24 (1b) Bear Management Stamp – \$10.00. This electronically generated stamp must
25 be procured before taking any bear within the State. Notwithstanding any
26 other provision of law, a resident or nonresident individual may not take any
27 bear within the State without procuring this stamp; provided, that those
28 persons who have purchased a lifetime license established by
29 G.S. 113-270.1D(b), 113-270.2(c)(2) or 113-351(c)(3) prior to July 1, 2014,
30 and those persons exempt from the license requirements as set forth in
31 G.S. 113-276(c) and G.S. 113-276(n) shall obtain this stamp free of charge.

32"

33 **SECTION 2.** G.S. 113-291.1(b) reads as rewritten:

34 "(b) No wild animals or wild birds may be taken:



- 1 (1) From or with the use of any vehicle; vessel, other than one manually
 2 propelled; airplane; or other conveyance except that the use of vehicles and
 3 vessels is authorized:
 4 a. As hunting stands, subject to the following limitations. No wild
 5 animal or wild bird may be taken from any vessel under sail, under
 6 power, or with the engine running or while still in motion from such
 7 propulsion. No wild animal or wild bird may be taken from any
 8 vehicle if it is in motion, the engine is running, or the passenger area
 9 of the vehicle is occupied. The prohibition of occupying the
 10 passenger area of a vehicle does not apply to a disabled individual
 11 whose mobility is restricted.
 12 b. For transportation incidental to the taking.
 13 (2) With the use or aid of any artificial light, net, trap, snare, electronic or
 14 recorded animal or bird call, or fire, except as may be otherwise provided by
 15 statute[;] provided, however, that the Wildlife Resources Commission may
 16 adopt rules prescribing seasons and the manner of taking of wild animals and
 17 wild birds with the use of artificial light and electronic calls. No wild birds
 18 may be taken with the use or aid of salt, grain, fruit, or other bait. No black
 19 bear may be taken with the use or aid of any salt, salt lick, grain, fruit,
 20 honey, sugar-based material, animal parts or products, or other bait, ~~and no~~
 21 except as provided by the rules of the Wildlife Resources Commission. No
 22 wild turkey may be taken from an area in which bait has been placed until
 23 the expiration of 10 days after the bait has been consumed or otherwise
 24 removed. The taking of wild animals and wild birds with poisons, drugs,
 25 explosives, and electricity is governed by G.S. 113-261, G.S. 113-262, and
 26 Article 22A of this Subchapter.

27 Upon finding that the placement of processed food products in areas
 28 frequented by black bears is detrimental to the health of individual black
 29 bears or is attracting and holding black bears in an area to the extent that the
 30 natural pattern of movement and distribution of black bears is disrupted and
 31 bears' vulnerability to mortality factors, including hunting, is increased to a
 32 level that causes concern for the population, the Wildlife Resources
 33 Commission may adopt rules to regulate, restrict, or prohibit the placement
 34 of those products and prescribe time limits during which hunting is
 35 prohibited in areas where those products have been placed.

36 Any person who is convicted of unlawfully taking bear with the use or
 37 aid of any type of bait as provided by this subsection or by rules adopted
 38 pursuant to this subsection is punishable as provided by G.S. 113-294(c1)."

39 **SECTION 3.** Chapter 828 of the 1981 Session Laws is repealed.

40 **SECTION 4.** G.S. 113-276 reads as rewritten:

41 "**§ 113-276. Exemptions and exceptions to license and permit requirements.**

- 42 (a), (b) Repealed by Session Laws 1979, c. 830, s. 1.
 43 (c) Except as otherwise provided in this Subchapter, every landholder, his spouse, and
 44 dependents under 18 years of age residing with him may take wildlife upon the land held by the
 45 landholder without any license required by G.S. 113-270.1B or G.S. 113-270.3(a), except that
 46 such persons are not exempt from the bear management stamp established in
 47 G.S. 113-270.3(b)(1b) and the falconry license described in G.S. 113-270.3(b)(4).

48 ...

- 49 (n) The Wildlife Resources Commission may adopt rules to exempt individuals from
 50 the hunting and fishing license requirements of G.S. 113-270.1B, 113-270.3(b)(1),
 51 113-270.3(b)(1a), 113-270.3(b)(1b), 113-270.3(b)(2), 113-270.3(b)(3), 113-270.3(b)(5),

1 113-271, 113-272, and 113-272.2(c)(1) who participate in organized hunting and fishing events
2 for the specified time and place of the event when the purpose of the event is consistent with
3 the conservation objectives of the Commission. A person exempted from licensing
4 requirements under this subsection is responsible for complying with any reporting
5 requirements prescribed by rule of the Wildlife Resources Commission, purchasing any federal
6 migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any
7 other requirements that the holder of a North Carolina license is subject to. Those exempted
8 persons shall comply with the hunter safety requirements of G.S. 113-270.1A or shall be
9 accompanied by a properly licensed adult who maintains a proximity to the license exempt
10 individual which enables the adult to monitor the activities of, and communicate with, the
11 individual at all times."

12 **SECTION 5.** Sections 1 and 4 of this act become effective July 1, 2014. The
13 remainder of this act is effective when it becomes law.