

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 640

Short Title: Outdoor Heritage Act. (Public)

Sponsors: Representatives Dixon, Malone, Lucas, and Presnell (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Wildlife Resources.

April 14, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO PRESERVE NORTH CAROLINA'S OUTDOOR HERITAGE FOR FUTURE  
3 GENERATIONS AND AMEND VARIOUS WILDLIFE RESOURCES COMMISSION  
4 LAWS.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. DEVELOPMENT OF NORTH CAROLINA OUTDOOR HERITAGE TRUST**  
8 **FUND**

9 **SECTION 1.** The Wildlife Resources Commission, in conjunction with the  
10 Outdoor Heritage Advisory Council established by Section 2 of this act, shall develop a plan  
11 for establishing and implementing the North Carolina Outdoor Heritage Trust Fund for Youth  
12 Outdoor Heritage Promotion. The plan shall provide for the Trust Fund:

- 13 (1) To provide for the expansion of opportunities for persons age 16 and under  
14 to engage in outdoor recreational activities, including, but not limited to,  
15 hiking, horseback riding, boating, sport shooting and archery, bird watching  
16 and wildlife watching, camping, swimming, hunting, trapping, and fishing,  
17 in order to pass on North Carolina's outdoor heritage to future generations.  
18 (2) To be eligible for the receipt of funds through check-off donations of not  
19 more than two dollars (\$2.00) by persons paying for transactions processed  
20 through the Commission, including, but not limited to, hunting and fishing  
21 licenses, or paying outdoor access fees issued by other organizations and  
22 also through donations from private organizations or citizens.  
23 (3) To be administered by the Outdoor Heritage Advisory Council established  
24 by Section 2 of this act.

25 The Wildlife Resources Commission shall provide a final report on the development  
26 of the plan for establishing and implementing the Trust Fund to the 2015 General Assembly  
27 when it reconvenes in 2016.

28  
29 **PART II. ESTABLISHMENT OF OUTDOOR HERITAGE ADVISORY COUNCIL**

30 **SECTION 2.(a)** Article 7 of Chapter 143B of the General Statutes is amended by  
31 adding a new Part to read:

32 "Part 36. Outdoor Heritage Advisory Council.

33 **"§ 143B-344.60. Outdoor Heritage Advisory Council.**

34 (a) The Outdoor Heritage Advisory Council is established within the North Carolina  
35 Wildlife Resources Commission for organizational and budgetary purposes only. The Council



1 shall exercise all of its statutory powers independent of control by the Executive Director of the  
2 Wildlife Resources Commission. The Council shall advise State agencies and the General  
3 Assembly on the promotion of outdoor recreational activities, including, but not limited to,  
4 hiking, horseback riding, boating, sport shooting and archery, bird watching and wildlife  
5 watching, camping, swimming, hunting, trapping, and fishing, in order to preserve North  
6 Carolina's outdoor heritage for future generations.

7 (b) The Council shall consist of 11 members, appointed as follows:

8 (1) Three members appointed by the General Assembly, upon the  
9 recommendation of the President Pro Tempore of the Senate.

10 (2) Three members appointed by the General Assembly, upon the  
11 recommendation of the Speaker of the House of Representatives.

12 (3) Three members appointed by the Governor.

13 (4) One member appointed by the Commissioner of Agriculture.

14 (5) One member appointed by the Chair of the Wildlife Resources Commission.

15 All members of the Council shall have knowledge and experience in outdoor recreational  
16 activities and have a demonstrated interest in promoting outdoor heritage.

17 (c) The terms of the initial members of the Council shall commence October 1, 2015.  
18 Of the Governor's initial appointments, one member shall be designated to serve a term of three  
19 years, one member shall be designated to serve a term of two years, and one member shall be  
20 designated to serve a term of one year. Of the initial appointments by the President Pro  
21 Tempore of the Senate, one member shall be designated to serve a term of three years, one  
22 member shall be designated to serve a term of two years, and one member shall be designated  
23 to serve a term of one year. Of the initial appointments by the Speaker of the House of  
24 Representatives, one member shall be designated to serve a term of three years, one member  
25 shall be designated to serve a term of two years, and one member shall be designated to serve a  
26 term of one year. The members appointed by the Commissioner of Agriculture and the Chair of  
27 the Wildlife Resources Commission shall each serve an initial term of four years. After the  
28 initial appointees' terms have expired, all members shall be appointed for a term of four years.  
29 No member shall serve more than two successive terms.

30 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,  
31 death, or disability of a member shall be for the balance of the unexpired term.

32 (d) The initial chair of the Council shall be designated by the Executive Director of the  
33 Wildlife Resources Commission from the Council members. The initial chair shall hold this  
34 office for not more than one year. Subsequent chairs shall be elected by the Council for terms  
35 of two years.

36 (e) The Council shall meet quarterly and at other times at the call of the chair. A  
37 majority of members of the Council shall constitute a quorum.

38 (f) Council members shall be reimbursed for expenses incurred in the performance of  
39 their duties in accordance with G.S. 138-5 and G.S. 138-6, as applicable.

40 (g) The Executive Director of the Wildlife Resources Commission shall provide clerical  
41 and other assistance as needed."

42 **SECTION 2.(b)** This section becomes effective July 1, 2015.

### 43 **PART III. EXPANDED ACCESS TO PUBLIC LANDS**

44 **SECTION 3.(a)** The Legislative Research Commission shall study the need for  
45 expanded access to public lands. The Commission shall examine the ways in which public land  
46 management plans affect opportunities to engage in outdoor recreational activities, including,  
47 but not limited to, hiking, horseback riding, boating, sport shooting and archery, bird watching  
48 and wildlife watching, camping, swimming, hunting, trapping, and fishing, and make  
49 recommendations for increasing the public's opportunities to access public lands for those  
50 purposes.  
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1           **SECTION 3.(b)** The Legislative Research Commission may make an interim  
2 report to the 2015 General Assembly when it reconvenes in 2016 and shall make its final report  
3 to the 2017 General Assembly when it convenes.  
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5 **PART IV. "THREE STRIKES" RULE FOR HUNTING ON POSTED PROPERTY AND**  
6 **REVIEW SUSPENSION OF HUNTING PRIVILEGES FOR NEGLIGENT HUNTERS**

7           **SECTION 4.(a)** G.S. 113-276.3(d) is amended by adding a new subdivision to  
8 read:

9 **"§ 113-276.3. Mandatory suspension of entitlement to license or permit for fixed period**  
10 **upon conviction of specified offenses.**

11 ...

12 (d) Any violation of this Subchapter or of any rule adopted by the Wildlife Resources  
13 Commission under the authority of this Subchapter which is subject to a penalty greater than  
14 the one provided in G.S. 113-135(a)(1) is a suspension offense. Conviction of any of the  
15 following suspension offenses results in a suspension for a period of two years:

- 16 (1) A violation of G.S. 113-294(b).
- 17 (2) A violation of G.S. 113-294(c).
- 18 (2a) A violation of G.S. 113-294(c1).
- 19 (3) A violation of G.S. 113-294(e).
- 20 (4) Repealed by Session Laws 1999-120, s. 2, effective October 1, 1999.
- 21 (5) A violation of G.S. 113-291.1A.
- 22 (6) A third or subsequent violation of G.S. 14-159.6(a).

23 A conviction of any other suspension offense results in a suspension for a period of one year."

24           **SECTION 4.(b)** The Wildlife Resources Commission shall review the provisions  
25 of Article 21B of Chapter 113 of the General Statutes that provide for the suspension of hunting  
26 privileges upon conviction of criminally negligent hunting and determine whether those  
27 provisions should be amended or expanded to provide increased protection to the public from  
28 negligent or reckless hunting. In developing its findings, the Wildlife Resources Commission  
29 shall consult with organized hunting clubs and propose recommendations to address individuals  
30 who repeatedly violate club rules and regulations. The Wildlife Resources Commission shall  
31 also consult with public interest groups in developing its findings. The Wildlife Resources  
32 Commission shall report its findings and recommendations to the 2015 General Assembly  
33 when it reconvenes in 2016.  
34

35 **PART V. ALLOW SEVEN-DAY HUNTING ON PRIVATE LAND WITH PERMISSION**  
36 **OF THE OWNER**

37           **SECTION 5.(a)** G.S. 103-2 reads as rewritten:

38 **"§ 103-2. Hunting on Sunday.**

39 (a) ~~If any person shall, except in defense of his own property, hunt on Sunday, having~~  
40 ~~with him a shotgun, rifle, or pistol, he~~Any landowner or member of his or her family, or any  
41 person with written permission from the landowner, may hunt with the use of firearms on  
42 Sunday on the landowner's property except that:

- 43 (1) Hunting of migratory waterfowl on Sunday is prohibited.
- 44 (2) Chasing deer with dogs, or permitting a dog or dogs to run or chase deer, on  
45 Sunday is prohibited.
- 46 (3) Hunting within 300 yards of a place of worship or any accessory structure  
47 thereof is prohibited.

48 (b) A person who hunts on Sunday in a manner prohibited under subsection (a) of this  
49 section shall be guilty of a Class 3 misdemeanor. Provided, that the provisions hereof shall not  
50 be of this section are not applicable to military reservations, the jurisdiction of which is  
51 exclusively in the federal government, or to field trials authorized by the Wildlife Resources

1 ~~Commission.~~Commission, or to actions taken in defense of a person's property. Wildlife  
2 protectors are granted authority to enforce the provisions of this section."

3 **SECTION 5.(b)** Effective July 1, 2018, G.S. 103-2(a)(3), as enacted in Section  
4 5(a) of this act, reads as rewritten:

5 (3) ~~Hunting within 300 yards of a place of worship or any accessory structure~~  
6 ~~thereof is prohibited.~~Hunting on Sunday and the manner of taking game on  
7 Sunday may be prohibited at certain times and in certain locations by rule of  
8 the Wildlife Resources Commission."

9 **SECTION 5.(c)** The Wildlife Resources Commission shall adopt rules for the  
10 implementation of this section pursuant to Section 5(b) of this act, provided that any such rules  
11 shall not become effective before July 1, 2018.

12 **SECTION 5.(d)** Section 5(b) becomes effective July 1, 2018. The remainder of  
13 this section becomes effective October 1, 2015.

#### 14 **PART VI. MINIMUM WEIGHT OF ADULT BEARS**

15 **SECTION 6.** Any rule adopted by the Wildlife Resources Commission that  
16 regulates the taking of female bears with cubs or that regulates the taking or possession of cub  
17 bears shall define cub bears as bears weighing less than 75 pounds.

#### 18 **PART VII. EXTEND BREEDING SEASON FOR FOXES AT BLADEN LAKES STATE 19 FOREST GAME LANDS**

20 **SECTION 7.(a)** G.S. 113-291.4 is amended by adding two new subsections to  
21 read:

22 **"§ 113-291.4. Regulation of foxes; study of fox and fur-bearer populations.**

23 ...

24 (j) Notwithstanding any other provision of law, the Wildlife Resources Commission  
25 may restrict or prohibit the use of dogs in hunting foxes during the breeding and raising seasons  
26 for game during the period April 1 through August 1.

27 (k) The Wildlife Resources Commission shall prohibit the use of dogs in hunting foxes  
28 during the period April 1 through August 1 in Bladen Lakes State Forest Game Land."

29 **SECTION 7.(b)** This section becomes effective June 1, 2015.

#### 30 **PART VIII. EXEMPTION FROM CIVIL LIABILITY FOR LANDOWNERS GIVING 31 PERMISSION TO RETRIEVE HUNTING DOGS**

32 **SECTION 8.** Article 22 of Chapter 113 of the General Statutes is amended by  
33 adding a new section to read:

34 **"§ 113-291.5A. Exemption from civil liability for landholder permitting retrieval of  
35 hunting dogs.**

36 (a) It is the intent of the General Assembly to encourage cooperative and neighborly  
37 agreements between landowners and hunters to allow legal retrieval of hunting dogs.

38 (b) Any person, as an owner, lessee, occupant, or otherwise in control of land, who  
39 gives permission to a hunter to enter upon the land for the purpose of retrieving hunting dogs  
40 that have strayed onto the land owes that hunter the same duty of care the person owes a  
41 trespasser."

#### 42 **PART IX. USE OF BODY CAMERAS BY WILDLIFE ENFORCEMENT OFFICERS**

43 **SECTION 9.** Article 13 of Chapter 113 of the General Statutes is amended by  
44 adding a new section to read:

45 **"§ 113-136.1. Body-worn cameras required.**

46 During the execution of a warrant that is based upon information gathered during any  
47 undercover operation conducted by the Wildlife Resources Commission, each wildlife  
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1 protector shall wear and activate a body-worn camera. Before the execution of the warrant,  
2 each wildlife protector shall inspect and test the body-worn camera affixed to his or her  
3 uniform and notify his or her supervisor of any problems with the body-worn camera. A  
4 wildlife protector shall not deactivate a body-worn camera until the conclusion of the execution  
5 of the warrant. A wildlife protector shall note in any incident report prepared after an  
6 undercover operation that a recording was made of the execution of the warrant. Failure to  
7 produce a photograph or video recorded by a body-worn camera during the execution of the  
8 warrant shall not preclude prosecution under this section.

9 For purposes of this section, the term "body-worn camera" means an operational video  
10 camera provided by the Wildlife Resources Commission and affixed to the uniform of a  
11 wildlife protector and positioned in a way that allows the video camera to capture interactions  
12 the protector has with members of the public. The video camera shall include a microphone or  
13 other mechanism to allow audio capture. The term "body-worn camera" does not include a  
14 camera privately owned and provided by a protector."

#### 15 16 **PART X. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

17 **SECTION 10.(a)** If any provision of this act or its application is held invalid, the  
18 invalidity does not affect other provisions or applications of this act that can be given effect  
19 without the invalid provisions or application, and to this end the provisions of this act are  
20 severable.

21 **SECTION 10.(b)** Except as otherwise provided, this act becomes effective October  
22 1, 2015.