

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 1010  
House Committee Substitute Favorable 6/18/09

Short Title: Migratory Game Bird Season Authority.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT  
3 SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO  
4 ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

5 The General Assembly of North Carolina enacts:

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

7 "§ 113-291.2. Seasons and bag limits on wild animals and birds; including animals and  
8 birds taken in bag; possession and transportation of wildlife after taking.

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

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

34 (a1) When the Executive Director of the Wildlife Resources Commission receives a  
35 petition from the State Health Director declaring a rabies emergency for a particular county or  
36 district pursuant to G.S. 130A-201, the Executive Director of the Wildlife Resources  
37 Commission shall develop a plan to reduce the threat of rabies exposure to humans and



1 domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. The plan shall  
2 be based upon the best veterinary and wildlife management information and techniques  
3 available. The plan may involve a suspension or liberalization of any regulatory restriction on  
4 the taking of foxes, raccoons, skunks, or bobcats, except that the use of poisons, other than  
5 those used with dart guns, shall not be permitted under any circumstance. If the plan involves a  
6 suspension or liberalization of any regulatory restriction on the taking of foxes, raccoons,  
7 skunks, or bobcats, the Executive Director of the Wildlife Resources Commission shall prepare  
8 and adopt temporary rules setting out the suspension or liberalization pursuant to  
9 G.S. 150B-21.1(a)(1). The Executive Director shall publicize the plan and the temporary rules  
10 in the major news outlets that serve the county or district to inform the public of the actions  
11 being taken and the reasons for them. Upon notification by the State Health Director that the  
12 rabies emergency no longer exists, the Executive Director of the Wildlife Resources  
13 Commission shall cancel the plan and repeal any rules adopted to implement the plan. The  
14 Executive Director of the Wildlife Resources Commission shall publicize the cancellation of  
15 the plan and the repeal of any rules in the major news outlets that serve the county or district.

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

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

- 25 (1) In an area in which the season is open for the species, the game may be  
26 possessed and transported without restriction.
- 27 (2) The individual may possess and transport the game lawfully taken on a trip:
  - 28 a. To his residence;
  - 29 b. To a preservation or processing facility that keeps adequate records  
30 as prescribed in G.S. 113-291.3(b)(3) or a licensed taxidermist;
  - 31 c. From a place authorized in subparagraph b to his residence.
- 32 (3) The individual may possess the game indefinitely at his residence, and may  
33 there accumulate lawfully-acquired game up to the greater of:
  - 34 a. The applicable possession limit for each species; or
  - 35 b. One half of the applicable season limit for each species.

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

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

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

- 50 (1) Possessing dead wildlife taken in open season after the close of that season.

- 1 (2) Transporting dead wildlife from an area having an open season to an area
- 2 with a closed season.
- 3 (3) Transporting dead wildlife lawfully taken in another state into this State.
- 4 (4) Possessing dead wildlife after such transportation.

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

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

28 (f) The Commission is authorized to issue proclamations to set seasons, shooting hours,  
29 bag limits, and possession limits that are congruent with the season framework established by  
30 the United States Department of Interior or any successor agency. The Commission may  
31 delegate this authority to the Executive Director. Each proclamation shall state the hour and  
32 date upon which it becomes effective and shall be issued at least 48 hours prior to the effective  
33 date and time. A permanent file of the text of all proclamations shall be maintained in the office  
34 of the Executive Director. Certified copies of proclamations are entitled to judicial notice in  
35 any civil or criminal proceeding.

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

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~~ rule, or as provided in subsection (f1) of this section, expand or modify provisions of this  
47 Article if necessary to achieve such conformity, including allowing the use of electronic calls.  
48 In particular, the Commission may prohibit the use of rifles, unplugged shotguns, live decoys,  
49 and sinkboxes in the taking of migratory game birds; vary shooting hours; adopt specific  
50 distances, not less than 300 yards, hunters must maintain from areas that have been baited, and  
51 fix the number of days afterwards during which it is still unlawful to take migratory game birds

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

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

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

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

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