

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2768
Committee Substitute Favorable 6/19/08

Short Title: Orange/Hunting on Private Property.

(Public)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE LAW PROHIBITING HUNTING AND FISHING ON
3 PRIVATE PROPERTY IN ORANGE COUNTY WITHOUT WRITTEN
4 PERMISSION FROM THE LANDOWNER OR LESSEE, TO INCREASE THE
5 FEES COLLECTED FROM PARTICIPANTS IN THE DISABLED SPORTSMAN
6 PROGRAM ADMINISTERED BY THE WILDLIFE RESOURCES
7 COMMISSION, AND TO PROVIDE THAT HOLDERS OF HUNTING AND
8 FISHING LICENSES ISSUED TO THE DISABLED ARE ELIGIBLE TO
9 PARTICIPATE IN THE DISABLED SPORTSMAN PROGRAM.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.(a)** Section 1 of S.L. 2007-264 reads as rewritten:

12 "SECTION 1. It is unlawful to take wildlife or attempt to take wildlife on the land
13 of another, or to fish on the land of another, without having on one's person while
14 hunting or fishing the written permission, signed and dated for the current hunting or
15 fishing season, of the landowner or lessee, or the landowner's or lessee's designee. The
16 written permission shall not be valid for more than one year and may be valid for a
17 shorter period stated in the permission. The written permission shall be displayed upon
18 request of any law enforcement officer of the Wildlife Resources Commission, by
19 sheriffs and deputy sheriffs, and by other law enforcement officers with general subject
20 matter jurisdiction. A person shall have written permission to hunt or fish for purposes
21 of this act if a landowner has granted permission to a hunting club to hunt or fish on the
22 person's land and the person is carrying both a current membership card demonstrating
23 the person's membership in the hunting club and a copy of valid written permission
24 granted to the hunting club that complies with the requirements of this act."

25 **SECTION 1.(b)** This section applies only to Orange County.

26 **SECTION 2.** G.S. 113-296 reads as rewritten:

27 "**§ 113-296. Disabled Sportsman Program.**

28 (a) The Disabled Sportsman Program is established, to be developed and
29 administered by the Wildlife Resources Commission. The Disabled Sportsman Program

1 shall consist of special hunting and fishing activities adapted to the needs of persons
2 with the disabilities described in subsection (b) of this section.

3 (b) In order to be eligible for participation in the Disabled Sportsman Program
4 established by this section, an individual must be a holder of a Resident Disabled
5 Veteran or Resident Totally Disabled license or must be able to certify through
6 competent medical evidence one of the following disabilities:

- 7 (1) Missing fifty percent (50%) or more of one or more limbs, whether by
8 amputation or natural causes.
- 9 (2) Paralysis of one or more limbs.
- 10 (3) Dysfunction of one or more limbs rendering the individual unable to
11 perform the tasks of grasping and lifting with the hands and arms or
12 unable to walk without mechanical assistance, other than a cane.
- 13 (4) Disease, injury, or defect confining the individual to a wheelchair,
14 walker, or crutches.
- 15 (5) Legal deafness.
- 16 (6) Legal blindness, for purposes of participation in disabled fishing only.

17 The disability must be permanent, and an individual loses eligibility to participate in
18 the Disabled Sportsman Program when the specified disability ceases to exist.

19 (c) A person who qualifies under subsection (b) of this section may apply for
20 participation in the Disabled Sportsman Program by completing an application supplied
21 by the Wildlife Resources Commission and by supplying the medical evidence
22 necessary to confirm the person's disability. In order to participate in activities under the
23 Program, each disabled participant may be accompanied by an able-bodied companion,
24 who may also participate in the hunting, fishing, or other activity. The Commission
25 shall charge each disabled participant an application fee of ~~five dollars (\$5.00) for each~~
26 ~~special hunt for disabled persons for which the disabled hunter applies not to exceed ten~~
27 ~~dollars (\$10.00) annually~~ ten-dollars (\$10.00) to defray the cost of processing the
28 application and administering the special activities provided under the Program. An
29 applicant may apply for any or all available Disabled Sportsman hunts at the time of
30 application for a single fee. Any subsequent applications shall be accompanied by an
31 additional ten-dollar (\$10.00) application fee. The participant and the participant's
32 companion shall also obtain any applicable hunting, fishing, or other special license
33 required for the activities.

34 (d) In developing the Disabled Sportsman Program, the Wildlife Resources
35 Commission shall:

- 36 (1) Establish special seasons and bag limits for hunting all or selected
37 species of wildlife;
- 38 (2) Authorize the manner for taking wildlife, consistent with State law;
- 39 (3) Permit the use of vehicles and other means of conveyance in areas
40 normally closed to such use;
- 41 (4) Set special fishing seasons and size and creel limits for inland fish; and
- 42 (5) Permit the use of crossbows or other specially equipped bows by
43 persons incapable of arm movement sufficient to operate a longbow,
44 recurve bow, or compound bow, but only during a season for hunting

1 with bow and arrow and only during a special hunt organized and
2 supervised by the Wildlife Resources Commission for the Disabled
3 Sportsman Program; and

- 4 (6) Alter any other established rules of the Wildlife Resources
5 Commission pertaining to hunting, fishing, or special activities, as
6 generally applicable or as applicable to game lands, for the purpose of
7 providing access to disabled persons participating in the Disabled
8 Sportsman Program.

9 The Wildlife Resources Commission may use its game lands for purposes of
10 conducting special activities for the Disabled Sportsman Program, and may enter into
11 agreements with other landholders for purposes of conducting special activities on
12 private lands.

13 (e) The Wildlife Resources Commission may establish special activities under
14 the Disabled Sportsman Program for any class or classes of disability described in
15 subsection (b) of this section. The Commission shall publicize these activities through
16 the public media and in the Commission's publications to ensure that disabled persons
17 are notified of the activities and informed about the application process.

18 (f) The Wildlife Resources Commission shall hold at least four special hunting
19 activities under the Disabled Sportsman Program per calendar year. The Commission
20 shall alternate the location of these special activities so as to provide equal access to
21 disabled persons in all regions of the State."

22 **SECTION 3.** Section 1 of this act becomes effective October 1, 2008, and
23 applies to offenses committed on or after that date. Section 2 of this act becomes
24 effective July 1, 2008. The remainder of this act is effective when it becomes law.