

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 588
HOUSE BILL 797

AN ACT TO AMEND CHAPTER 435 OF THE 1977 SESSION LAWS
AUTHORIZING THE BOARD OF COMMISSIONERS OF DARE COUNTY TO
CREATE A DARE COUNTY GAME AND WILDLIFE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 435 of the 1977 Session Laws is amended to read:

"Section 1. The Dare County Board of Commissioners is hereby authorized, subject to the provisions of this act, to create, in its discretion, a commission composed of 11 residents of Dare County to be known as the 'Dare County Game and Wildlife Commission'.

"Sec. 2. All members of the initial commission, as well as vacancies occurring thereon by reason of death, resignation or otherwise, shall be filled by a majority vote of the county commissioners. To the initial commission, the county commissioners shall appoint 3 members for a one-year term, 4 members for a two-year term, and 4 members for a three-year term. Thereafter, all members of the commission shall serve three-year terms.

"The initial chairman of the commission shall be chosen by the county commissioners from among those persons appointed for a three-year term and shall be chairman for three years. Thereafter the chairman of the commission shall be chosen by a majority vote of the commission members to serve for a three-year term. In the event the initial chairman or a subsequent chairman resigns as chairman or ceases to be a member of the commission for any reason, the commission shall choose a member of the commission to serve out the remaining term as chairman.

"The commission shall elect from its membership a vice-chairman and a secretary-treasurer, each of whom shall serve a one-year term. Vacancies in the office of vice-chairman and secretary-treasurer shall be filled in the same manner as that of chairman.

"No officer of the commission shall succeed himself for more than three successive terms.

"A quorum of the commission shall be six and a simple majority of those present shall be necessary to take official action.

"The commission shall meet at least twice in each calendar year in Dare County and it shall meet upon call of the chairman or upon written request of any four members.

"It shall not be a conflict of interest for a commission member to discuss or vote upon his own license application.

"Sec. 3. The commission shall have full authority in the licensing of devices for concealing a person or persons hunting migratory waterfowl and licensing of exclusive geographic locations in Dare County for the purpose of hunting migratory waterfowl from a blind, box or other permanent or semipermanent structure or device located thereon. No such exclusive geographic location shall be located on the shoreline of any game land owned or managed by the Wildlife Resources Commission, nor shall the periphery of any such location extend to any point within five yards of the shoreline of any such game land.

"The commission shall maintain a map and record system defining site locations and licensees.

"The commission shall collect a fee of twenty-five dollars (\$25.00) per new license issued and ten dollars (\$10.00) per renewal license issued. Within 30 days of the close of each fiscal year the secretary-treasurer of the commission shall pay one-half of the total license fees collected during the previous fiscal year to the Wildlife Resources Commission as reimbursement for the cost of enforcement as required by Section 6 of this act. The other one-half of the license fees so collected shall be used to defray expenses in the printing of licenses and any other necessary or proper expenses of the commission. All funds retained by the commission shall be held, accounted for, and audited annually as required by the General Statutes for units of local government and public authority.

"Licenses shall be issued for the period July 1 through June 30 each year and the balance in the account of the commission on June 30 shall be paid to the general fund of Dare County.

"The commission shall, after a public hearing to discuss proposed rules and regulations, establish, adopt and publish written rules and regulations, which shall be available to the public for a reasonable fee, governing the issuance and reissuance of licenses.

"The commission shall adopt an official seal, a facsimile of which shall be exhibited on all licenses.

"Sec. 4. It shall be unlawful to use said blind, box, or other structure for hunting unless the license or renewal thereof is posted in a conspicuous place on said blind, box, or other structure. Violations of this posting requirement shall be punishable according to the provisions of Section 6 by a fine not to exceed two hundred dollars (\$200.00) or imprisonment not to exceed 30 days or both.

"Sec. 5. The commission shall have authority to hear and review all licensing disputes, shall have authority to subpoena witnesses, and shall notify all direct parties in interest by certified mail at least 10 days prior to the hearing. The commission shall have power to grant, alter, revise or revoke licenses in accord with its rules and regulations.

"Appeals from decisions of the commission shall be to the district court, where they shall be heard de novo.

"The granting of a license is a privilege and not a vested property right.

"Sec. 6. It shall be a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or imprisonment not to exceed 30 days or both for any person to hunt

migratory waterfowl in Dare County within an exclusive geographic location licensed by the Dare County Game and Wildlife Commission except from a location licensed in the name of one of the hunters using such location or when in possession of written permission of the licensee of such location; provided that this section shall not apply to the shoreline of or within five yards of the shoreline of any game land owned or managed by the Wildlife Resources Commission.

"Sec. 7. The Wildlife Resources Commission shall enforce the provisions of Section 6 of this act.

"Sec. 8. This act is effective upon ratification."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1979.