

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55320-LL-186 (03/13)

Short Title: Wildlife Resources/Proclamation Authority.-AB (Public)

Sponsors: Senator Jenkins.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO
ISSUE PROCLAMATIONS UNDER SPECIFIC CIRCUMSTANCES
NECESSARY TO PROTECT WILDLIFE RESOURCES FROM SERIOUS AND
UNFORESEEN OVER-HARVEST OR DISEASE AND TO PROTECT
GAMELANDS FROM UNCONTROLLED USE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 23 of Chapter 113 is amended by adding a new
section to read:

"§ 113-301.2. Proclamation authority to protect wildlife resources and gamelands.

(a) The Wildlife Resources Commission may impose rules by proclamation on the taking, possession, transportation, importation, exportation, purchase, and sale of wildlife resources and to prescribe conditions of public use of Commission gamelands consistent with existing statutory authority when it determines that immediate action is necessary to protect some facet of the wildlife resources of North Carolina from serious harm due to serious and unforeseen overexploitation, disease, or other malady, or when serious and unforeseen situations arise that would result in uncontrolled or inappropriate use of Commission gamelands.

(b) The authority to issue proclamations may be delegated by action of the Wildlife Resources Commission to the Executive Director. Each proclamation shall state the time and date upon which it becomes effective and shall be issued at least 48 hours before the effective date and time. A permanent file of the text and supporting information for each proclamation shall be maintained in the office of the Executive Director, including the justification for issuance of the proclamation.

(c) The Executive Director shall make diligent effort to give notice of the terms of any proclamation to persons who may be affected by it. This effort shall include press releases to communications media most likely to be read, seen, or heard in the affected

1 area, posting of notices in places likely to be frequented by affected persons, personal
2 communications by agents of the Commission, and other methods designed to reach
3 affected parties. Proclamations shall remain in force until rescinded following the same
4 procedure established for enactment or until replaced by permanent rule making, but
5 under no condition shall a proclamation remain in effect for a period of time greater
6 than 180 days.

7 (d) Certified copies of proclamations are entitled to judicial notice in any civil or
8 criminal proceeding. The penalty for conviction of a violation of a proclamation issued
9 under this authority is a Class 3 misdemeanor."

10 **SECTION 2.** This act is effective when it becomes law.