

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 589

SHORT TITLE: Pasquotank Hunting/Dare Fishing

SPONSOR(S): Representative James

FISCAL IMPACT: Expenditures: Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: Makes hunting from public roads in Pasquotank County a misdemeanor punishable by fine of \$10 to \$50 or 30 days imprisonment, with subsequent offenses within three years punishable by fines of \$50 to \$200, imprisonment up to 90 days or both. Act is enforceable by wildlife officers, sheriffs and deputies, and other peace officers.

House Committee substitute adds provision for Outer Banks of Dare County, allowing a person to fish with hook and line without a fishing license pursuant to G.S. 113-271, except when fishing from a vessel.

EFFECTIVE DATE: Section 2 - Upon ratification.
Remainder of HB 589 effective October 1, 1993.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department;
Department of Correction; Wildlife Resources Commission

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions.

ASSUMPTIONS AND METHODOLOGY: Since the proposed bill contains two distinct sections, each will be considered separately.

Pasquotank Hunting (Sec. 1) Based on a telephone interview with Terry Waterfield, Captain of the Wildlife Resources Commission in the District containing Pasquotank County, it is not estimated that Section 1 of the

proposed bill would have a significant fiscal impact on the Judicial Department or the Department of Correction. Captain Waterfield stated that in other counties in his jurisdiction with similar statutes in effect (i.e., Chowan, Perquimans, and Gates), fewer than 10 citations are issued a year per county. Of those citations issued, the Captain could not recall a single instance where a citation resulted in a court appearance. As a waivable offense, offenders have tended to admit guilt, pay a designated fine to the Clerk of Court, and, thus avoid a court proceeding. In addition, there have been no repeat offenders noted by Captain Waterfield. [Note that the bill imposes a stiffer penalty for repeat offenders who may be more likely to report for court.] Assuming that a similar pattern would occur in Pasquotank County, nominal or no fiscal impact is estimated.

Dare Fishing (Sec. 2) Under statute G.S. 113-271, "no one may fish by means of hook and line in inland fishing waters without having first procured a current and valid hook-and-line fishing license." An exemption to this statute exists for any individual fishing within his county of residence using natural bait [G.S. 113-276(e)]. Under the proposed legislation, "no fishing license pursuant to G.S. 113-271 is required for a person to fish with hook and line, except when fishing from a vessel." The proposed legislation applies only to the Outer Banks. Hence, the proposed legislation is most likely to affect out-of-county residents who fish only from the Outer Banks using only a hook and line. Based on a telephone interview with a representative of the Licensing Section of the Wildlife Resources Commission, the number of persons estimated to be affected by this bill is small. It is reported that the vast majority of out of county fisherman fish from boats and use equipment other than just a hook and line (i.e., rod and reel). Based on the small population this bill is estimated to affect, it is unlikely that the Licensing Section of the Wildlife Resources Commission would experience a significant decrease in the existing sale of fishing licenses. No substantial loss of revenue is estimated to occur as a result of this bill.

Since Section 2 removes a possible misdemeanor offense from the list of punishable offense in G.S. 113-271 and since the bill is estimated to affect a very small population, no fiscal impact is anticipated for the Judicial Department or the Department of Correction.

SOURCES OF DATA: Administrative Office Of the Courts; Wildlife Resources Commission.

FISCAL RESEARCH DIVISION

733-4910

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DATE: 29-APR-93

[FRD#003]



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