

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

**H.B. 181**  
**Feb 25, 2021**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH40120-MHa-46A

Short Title: Wildlife Resources Comm'n. Amendments.-AB

(Public)

Sponsors: Representative Adams.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE  
3 WILDLIFE RESOURCES COMMISSION.

4 The General Assembly of North Carolina enacts:

5  
6 **STATE CONSTRUCTION PERMITTING EXEMPTION**

7 **SECTION 1.(a)** Article 24 of Chapter 143 of the General Statutes is amended by  
8 adding a new section to read:

9 "**§ 143-254.7. Powers of the Commission regarding certain fee negotiations, contracts, and**  
10 **capital improvements.**

11 (a) Notwithstanding G.S. 143-341(3), the Commission shall, with respect to design,  
12 construction, repair, or renovation of property developments at boating access areas, public  
13 fishing areas, and game lands of the Commission requiring the estimated expenditure from  
14 sources other than tax revenues of seven hundred fifty thousand dollars (\$750,000) or less:

15 (1) Conduct the fee negotiations for all design contracts and supervise the letting  
16 of all construction and design contracts.

17 (2) Develop procedures governing the responsibilities of the Commission to  
18 perform the duties of the Department of Administration and the Director or  
19 Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

20 (b) The Commission shall use the standard contracts for design and construction currently  
21 in use for State capital improvement projects by the Office of State Construction of the  
22 Department of Administration.

23 (c) A contract may not be divided for the purpose of evading the monetary limit under  
24 this section.

25 (d) Notwithstanding any other provision of this Chapter, the Department of  
26 Administration shall not be the awarding authority for contracts awarded under subsection (a) of  
27 this section.

28 (e) The Wildlife Resources Commission shall report no later than October 1 of each year  
29 to the State Building Commission the following information for the previous fiscal year:

30 (1) A list of projects governed by this section.

31 (2) The estimated cost of each project along with the actual cost.

32 (3) The name of each person or business awarded a contract under this section.

33 (4) Whether the person or business awarded a contract under this section meets  
34 the definition of "minority business" or "minority person" as defined in  
35 G.S. 143-128.2(g)."

36 **SECTION 1.(b)** This section becomes effective July 1, 2021.



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2 **AUTHORIZE ACQUISITION OR CONSTRUCTION OF CERTAIN CAPITAL**  
3 **IMPROVEMENT PROJECTS OF THE COMMISSION**

4 **SECTION 2.(a)** G.S. 143C-8-12 reads as rewritten:

5 **"§ 143C-8-12. Capital improvement projects from sources other than the General Fund.**

6 ...

7 (c) National Guard Projects. – Notwithstanding any other provision of this Chapter, the  
8 North Carolina National Guard may approve expenditures for a capital project of the North  
9 Carolina National Guard if (i) the project will be funded entirely with federal funds and (ii) any  
10 operating costs associated with the project will be paid entirely with federal funds.

11 (c1) Wildlife Resources Commission Projects. – Notwithstanding any other provision of  
12 this Chapter, the Wildlife Resources Commission may approve expenditures for a capital project  
13 of the Wildlife Resources Commission if (i) the project will be funded entirely with agency  
14 receipts or federal funds and (ii) any operating costs associated with the project will be paid  
15 entirely with agency receipts or federal funds.

16 (d) Reporting. – The Board of ~~Governors and~~ Governors, the National ~~Guard~~ Guard, and  
17 the Wildlife Resources Commission shall report any expenditure made pursuant to this section  
18 to the Office of State Budget and Management and to the Joint Legislative Commission on  
19 Governmental Operations."

20 **SECTION 2.(b)** This section becomes effective July 1, 2021.

21  
22 **MOTOR FLEET EXEMPTION**

23 **SECTION 3.(a)** G.S. 143-341(8)i.3. reads as rewritten:

24 "3. To require on a schedule determined by the Department all  
25 State agencies to transfer ownership, custody or control of any  
26 or all passenger motor vehicles within the ownership, custody  
27 or control of that agency to the Department, except those motor  
28 vehicles under the ownership, custody or control of the  
29 Highway Patrol, the State Bureau of Investigation, the Alcohol  
30 Law Enforcement Division of the Department of Public Safety,  
31 the Samarcand Training Academy, the Wildlife Resources  
32 Commission, or the constituent institutions of The University  
33 of North Carolina which are used primarily for  
34 law-enforcement purposes."

35 **SECTION 3.(b)** This section becomes effective July 1, 2021.

36  
37 **REVISE REQUIREMENTS FOR HARVEST OF BLACK BEAR**

38 **SECTION 4.(a)** G.S. 113-291.7 reads as rewritten:

39 **"§ 113-291.7. Regulation of bears; limited retention of local acts closing bear seasons.**

40 ...

41 (c) Any hunter who has harvested a black bear (Ursus americanus) shall submit at least  
42 one premolar tooth to the Wildlife Resources Commission no later than January 31 following the  
43 applicable prior bear hunting season. The tooth submission shall include all of the following  
44 information on a form specified by the Wildlife Resources Commission:

45 (1) The hunter's name and mailing address.

46 (2) The hunter's Wildlife Resources Commission customer number and bear  
47 harvest authorization number.

48 (3) The sex of the harvested bear.

49 (4) The county of harvest.

50 (d) Violation of subsection (c) of this section shall be an infraction as provided in  
51 G.S. 14-3.1, punishable by a fine of thirty-five dollars (\$35.00). A person responsible for an

1 infraction under this subsection shall not be assessed court costs, but the Executive Director of  
2 the North Carolina Wildlife Resources Commission is authorized to revoke or refuse to issue  
3 bear e-stamp privileges for any individual guilty of an infraction for violations of subsection (c)  
4 of this section for two consecutive years or upon failure to pay outstanding infraction fines when  
5 required to do so."

6 **SECTION 4.(b)** The Wildlife Resources Commission may adopt temporary and  
7 permanent rules to implement this section.

8 **SECTION 4.(c)** Subsection (a) of this section becomes effective October 1, 2021,  
9 and applies to bear hunting seasons beginning on or after that date.

## 10 **WILDLIFE RESOURCES COMMISSION PROCLAMATION AUTHORITY**

11 **SECTION 5.** G.S. 113-292 is amended by adding a new subsection to read:

12 "(f) The Wildlife Resources Commission is authorized to issue proclamations suspending  
13 or implementing, in whole or in part, inland fishing rules of the Commission in response to  
14 natural disasters, human health emergencies, and issues threatening or compromising the  
15 biological integrity of a species or population as provided in this subsection. The Commission  
16 may delegate this authority to the Executive Director, who shall maintain a permanent file of the  
17 text of all proclamations in the office of the Executive Director.

18 (1) Each proclamation shall state the hour and date upon which it becomes  
19 effective and shall be issued at least 48 hours prior to its effective date and  
20 time, with the following exceptions:

21 a. A proclamation that prohibits the taking of inland fish for reasons of  
22 public health or that governs a quota-managed fishery may be made  
23 effective immediately upon issuance. A person who violates a  
24 proclamation that is made effective immediately upon issuance shall  
25 not be charged with a criminal offense for the violation if the violation  
26 occurred between the time of issuance and 48 hours after the issuance  
27 and the person did not have actual notice of the issuance of the  
28 proclamation.

29 b. A proclamation to reopen the taking of certain fisheries resources  
30 closed for reasons of public health shall be issued at least 12 hours in  
31 advance of the effective date and time of the reopening.

32 (2) Proclamations under this subsection shall remain in force until rescinded  
33 following the same procedure established for enactment.

34 (3) Fisheries resources taken or possessed by any person in violation of any  
35 proclamation may be seized regardless of whether the person had actual notice  
36 of the proclamation or may be charged criminally under this subsection.

37 (4) The Executive Director shall make reasonable effort to give notice of the  
38 terms of any proclamation to persons who may be affected by it. This effort  
39 shall include press releases to communications media, posting of notices at  
40 boating access areas and other places where persons affected may gather,  
41 personal communication by agents of the Wildlife Resources Commission,  
42 and other measures designed to reach persons who may be affected.

43 (5) Certified copies of proclamations shall be entitled to judicial notice in any  
44 civil or criminal proceeding."

## 45 **REPEAL COMMISSION LAW ENFORCEMENT OFFICER REPORT**

46 **SECTION 6.** Subsection 35(b) of S.L. 2015-263 is repealed.

## 47 **WILDLIFE CONTROL TECHNICIAN CERTIFICATION AMENDMENTS**

48 **SECTION 7.(a)** G.S. 113-273 reads as rewritten:  
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51

1 "§ 113-273. Other licenses.

2 ...

3 (l) Wildlife Control Agent License. – Any individual who engages in wildlife damage  
4 control or wildlife removal activities, including bat eviction, for compensation, including  
5 reimbursement for the cost of materials, shall first procure a wildlife control agent license. This  
6 is an annual license issued by the Wildlife Resources Commission for fifty dollars (\$50.00). This  
7 license shall not be required for licensed trappers taking wild animals during the established  
8 trapping season for that species. The Wildlife Resources Commission is authorized by rule to set  
9 standards for and to license wildlife control agents.

10 (1) Wildlife Control Technician Certification. – An individual who is under the direct  
11 supervision of a licensed wildlife control agent and who engages in wildlife damage control or  
12 wildlife removal activities for compensation under the direct supervision of a licensed wildlife  
13 control agent shall first procure a wildlife control technician certification. This is an annual  
14 certification issued by the Wildlife Resources Commission for twenty-five dollars (\$25.00). This  
15 certification shall not authorize the individual to issue depredation permits. This certification  
16 shall not be required for licensed trappers taking wild animals during the established trapping  
17 season for that species. For purposes of this subsection, the term "wildlife damage control or  
18 wildlife removal activities" shall include bat eviction and alligator damage control or removal  
19 activities, and the term "for compensation" shall include reimbursement for the cost of materials.  
20 The Wildlife Resources Commission may adopt rules to certify and set standards for wildlife  
21 control technicians.

22 (m) Alligator Control Agent Certification. – In addition to the wildlife control agent  
23 license, any individual who engages in alligator damage control or removal activities for  
24 compensation, including reimbursement for the cost of materials, shall first procure an alligator  
25 control agent ~~certification~~ certification, as well as a wildlife control agent license under  
26 subsection (l) of this section. This is an annual certification issued by the Wildlife Resources  
27 Commission for twenty-five dollars (\$25.00). The Wildlife Resources Commission is authorized  
28 by rule to set standards for and to certify alligator control agents. This certification does not  
29 include privileges conveyed with an endangered species permit. The endangered species permit  
30 shall be obtained prior to conducting activities under the authorization of this certification."

31 **SECTION 7.(b)** This section becomes effective October 1, 2021.

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33 **VETERANS EXEMPTION FOR MOUNTAIN HERITAGE TROUT WATERS LICENSE**

34 **SECTION 8.(a)** G.S. 113-276 is amended by adding a new subsection to read:

35 "(13) A resident or nonresident of this State who served as a member of the Armed Forces  
36 and who separated under honorable conditions is exempt from the Mountain Heritage Trout  
37 fishing license requirements of G.S. 113-271(d)(10) while fishing in waters designated by the  
38 Wildlife Resources Commission as Mountain Heritage Trout waters. In order to qualify for the  
39 exemption provided under this subsection, the person shall have valid documentation of their  
40 service on his or her person at all times during the fishing activity."

41 **SECTION 8.(b)** This section becomes effective October 1, 2021.

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43 **WATERFOWL HUNTING PUBLIC PROPERTY**

44 **SECTION 9.(a)** Section 1 of S.L. 2019-98 reads as rewritten:

45 **"SECTION 1.** During the waterfowl seasons established by the Wildlife Resources  
46 Commission, it shall be unlawful to do any of the following:

47 (1) Leave or place any equipment or vessels that may be used for the purpose of  
48 taking migratory waterfowl, including, but not limited to, mobile or temporary  
49 blinds, layout boats, and decoys between two hours after sunset and 4:00 A.M.  
50 each day unless remaining on a portion of the shoreline or attached to a dock  
51 as authorized by the owner of the shoreline or dock.

(2) ~~leave~~Leave unattended or unoccupied any equipment or vessels that may be used for the purpose of taking migratory waterfowl, including, but not limited to, mobile or temporary blinds, layout boats, and ~~decoys, prior to 4:00 A.M.~~decoys between 4:00 A.M. and two hours after sunset each day. All such unattended equipment and unoccupied vessels must be removed by two hours after sunset each day unless remaining on a portion of the shoreline or attached to a dock as authorized by the owner of the shoreline or dock."

**SECTION 9.(b)** This section applies only to Roanoke Rapids Lake in Halifax and Northampton Counties.

**SECTION 9.(c)** This section is effective when it becomes law and applies to offenses committed on or after that date.

### **RESPONSIBLE HUNTER TRAINING**

**SECTION 10.(a)** G.S. 113-270.1A is amended by adding a new subsection to read:

"(a2) No person may pursue or chase deer with dogs for the purpose of training or hunting unless they first obtain a dog hunter education certificate issued by the Commission that demonstrates that the person has completed a dog hunter education course. The requirements of subdivisions (b)(1) through (b)(4) of this section shall apply to the certificate and education course required by this subsection. The Wildlife Resources Commission shall adopt rules to implement this subsection."

**SECTION 10.(b)** The Commission shall establish from its membership an advisory committee to create the dog hunter education course required by this section. The advisory committee shall also include at least two representatives from organizations promoting or conducting dog hunting in the State.

### **PREPARATION FOR CHRONIC WASTING DISEASE**

**SECTION 11.(a)** Article 12 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-254.7. Appropriation and emergency power to combat Chronic Wasting Disease.**

If the Commission determines that an outbreak of Chronic Wasting Disease in the State constitutes a significant threat to deer and other cervid species, the Commission may declare a wildlife emergency. Upon declaration of the wildlife emergency, the Commission shall request needed additional funding for immediate investigation, containment, and eradication of the outbreak from the Contingency and Emergency Fund to the Council of State for approval following the process set forth in G.S. 143C-4-4(c). The approved funds will be allocated by the State Controller to a special fund called the Chronic Wasting Disease Emergency Response Fund (CWD Response Fund). Funds allocated to the CWD Response Fund are appropriated to the Wildlife Resources Commission for the purposes for which the funds are requested and approved. The Commission shall request any federal funds available to combat Chronic Wasting Disease in cervids, and any such funds obtained will be used to offset State funds appropriated under this section to the extent allowed by applicable law. The Commission will inform the Office of State Budget and Management of the amount of State funds offset by federal funds, and the Office of State Budget and Management shall direct the State Controller to transfer these funds from the CWD Response Fund to the Contingency and Emergency Fund upon receipt of the federal funds."

**SECTION 11.(b)** This section becomes effective July 1, 2021.

### **EFFECTIVE DATE**

**SECTION 12.** Except as otherwise indicated, this act is effective when it becomes law.