

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 192
PROPOSED COMMITTEE SUBSTITUTE H192-PCS10299-BRa-6

Short Title: 2023 Wildlife Resources Changes.-AB

(Public)

Sponsors:

Referred to:

February 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE WILDLIFE LAWS, AS REQUESTED
3 BY THE WILDLIFE RESOURCES COMMISSION.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. BUDGET AND FUNDING MATTERS**

7
8 **AUTHORIZE ACQUISITION OR CONSTRUCTION OF CERTAIN CAPITAL**
9 **IMPROVEMENT PROJECTS OF THE COMMISSION**

10 SECTION 1.1.(a) G.S. 143C-8-12 reads as rewritten:

11 "**§ 143C-8-12. Capital improvement projects from sources other than the General Fund.**

12 ...

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

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

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

26 SECTION 1.1.(b) This section becomes effective July 1, 2023.

27
28 **COMMISSION TO RETAIN CERTAIN DREDGING FUNDS**

29 SECTION 1.2.(a) G.S. 75A-3(c) reads as rewritten:

30 "(c) The Boating Account is established within the Wildlife Resources Fund created under
31 G.S. 143-250. Interest and other investment income earned by the Account accrues to the
32 Account. All moneys collected pursuant to the numbering and titling provisions of this Chapter
33 shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account under
34 G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the Executive
35 Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for
36 activities relating to boating and water safety including education and waterway marking and



* H 1 9 2 - P C S 1 0 2 9 9 - B R A - 6 *

1 improvement; and for boating access area acquisition, development, and maintenance. The
2 Commission shall use at least three dollars (\$3.00) of each one-year certificate of number fee and
3 at least nine dollars (\$9.00) of each three-year certificate of number fee collected under the
4 numbering provisions of G.S. 75A-5 for boating access area acquisition, development, and
5 maintenance. The Commission shall transfer on a quarterly basis fifty percent (50%) of each
6 one-year certificate of number fee and fifty percent (50%) of each three-year certificate of
7 number fee collected under the numbering provisions of G.S. 75A-5 to the Shallow Draft
8 Navigation Channel Dredging and Aquatic Weed Fund established by G.S. 143-215.73F. Each
9 quarter, the Commission may retain one hundred thousand dollars (\$100,000) of the transfer set
10 forth in the preceding sentence of this subsection and use the retained funds for
11 Commission-directed dredging projects."

12 **SECTION 1.2.(b)** This section becomes effective July 1, 2023.

13 **DAM REMOVAL FUNDING EXTENSION AND ELIGIBILITY REVISION**

14 **SECTION 1.3.(a)** Notwithstanding any provision of S.L. 2021-180 or the
15 Committee Report described in Section 43.2 of that act to the contrary, funds appropriated for
16 the removal of high-hazard dams in the mountain region of the State (i) may be used for dams
17 not categorized as high-hazard but otherwise prioritized for removal by the Commission utilizing
18 data-driven criteria that take into account beneficial impacts on restoration of fisheries and
19 wildlife resources, accessibility of the areas to be restored by dam removal to the public for
20 recreational, hunting, and fishing activities and other relevant criteria and (ii) shall not revert at
21 the end of the 2022-2023 fiscal year but shall remain available for expenditure until June 30,
22 2025.

23 **SECTION 1.3.(b)** This section becomes effective June 30, 2023.

24 **PART II. POLICY AND STATUTORY MATTERS**

25 **STATE CONSTRUCTION PERMITTING EXEMPTION**

26 **SECTION 2.1.(a)** Article 24 of Chapter 143 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 143-254.6. Powers of the Commission regarding certain fee negotiations, contracts, and**
29 **capital improvements.**

30 (a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Commission shall, with
31 respect to the design, construction, or renovation of property developments at boating access
32 areas, public fishing areas, and game lands of the Commission, requiring the estimated
33 expenditure of non-General Fund money, of seven hundred fifty thousand dollars (\$750,000) or
34 less:

- 35 (1) Conduct the fee negotiations for all design contracts and supervise the letting
36 of all construction and design contracts.
37 (2) Develop procedures governing the responsibilities of the Commission to
38 perform the duties of the Department of Administration and the Director or
39 Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

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

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

45 (d) Notwithstanding any other provision of this Chapter, the Department of
46 Administration shall not be the awarding authority for contracts awarded pursuant to this section.

47 (e) The Commission shall annually report the following to the State Building
48 Commission:

- 1 (1) A list of projects governed by this section.
- 2 (2) The estimated cost of each project along with the actual cost.
- 3 (3) The name of each person or business awarded a contract under this section.
- 4 (4) Whether the person or business awarded a contract under this section meets
5 the definition of "minority business" or "minority person" as defined in
6 G.S. 143-128.2(g)."

7 **SECTION 2.1.(b)** This section becomes effective July 1, 2023.

8
9 **CHRONIC WASTING DISEASE/DEER MANAGEMENT ASSISTANCE PROGRAM**
10 **CHANGES**

11 **SECTION 2.2.(a)** G.S. 113-270.3(b) reads as rewritten:

12 "(b) The special activity licenses and stamp issued by the Wildlife Resources Commission
13 are as follows:

- 14 ...
- 15 (2b) Bonus CWD Deer License. – This license may be issued to an individual
16 resident or nonresident of the State who holds a valid North Carolina hunting
17 license that entitles the licensee to take big game, or an individual resident
18 who is exempt from the hunting license requirement in accordance with
19 G.S. 113-276(c) and G.S. 113-276(d) and entitles the holder to take two deer
20 of either sex in an area identified by the Wildlife Resources Commission for
21 special management action due to the presence of or potential for Chronic
22 Wasting Disease during seasons and by methods authorized by the Wildlife
23 Resources Commission. This license expires June 30.

24 "

25 **SECTION 2.2.(b)** G.S. 113-291.2 reads as rewritten:

26 "**§ 113-291.2. Seasons and bag limits on wild animals and birds; including animals and**
27 **birds taken in bag; possession and transportation of wildlife after taking.**

28 ...

29 (a1) When the Executive Director of the Wildlife Resources Commission receives a
30 petition from the State Health Director declaring a rabies emergency for a particular county or
31 district pursuant to G.S. 130A-201, the Executive Director of the Wildlife Resources
32 Commission shall develop a plan to reduce the threat of rabies exposure to humans and domestic
33 animals by foxes, raccoons, skunks, or bobcats in the county or district. The plan shall be based
34 upon the best veterinary and wildlife management information and techniques available. The
35 plan may involve a suspension or liberalization of any regulatory restriction on the taking of
36 foxes, raccoons, skunks, or bobcats, except that the use of poisons, other than those used with
37 dart guns, shall not be permitted under any circumstance. If the plan involves a suspension or
38 liberalization of any regulatory restriction on the taking of foxes, raccoons, skunks, or bobcats,
39 the Executive Director of the Wildlife Resources Commission shall prepare and adopt temporary
40 rules setting out the suspension or liberalization pursuant to G.S. 150B-21.1(a)(1). The Executive
41 Director shall publicize the plan and the temporary rules in the major news outlets that serve the
42 county or district to inform the public of the actions being taken and the reasons for them. Upon
43 notification by the State Health Director that the rabies emergency no longer exists, the Executive
44 Director of the Wildlife Resources Commission shall cancel the plan and repeal any rules adopted
45 to implement the plan. The Executive Director of the Wildlife Resources Commission shall
46 publicize the cancellation of the plan and the repeal of any rules in the major news outlets that
47 serve the county or district.

48 (a2) Notwithstanding G.S. 113-306 and Chapter 150B of the General Statutes, when the
49 Executive Director of the Wildlife Resources Commission receives notification of a new
50 confirmed Chronic Wasting Disease-positive cervid in North Carolina, the Executive Director of
51 the Wildlife Resources Commission is authorized to issue proclamations to establish and modify

1 Primary Surveillance Area(s) and Secondary Surveillance Area(s) and mandatory sampling
 2 requirements for cervids taken in those areas by licensed and license-exempt individuals or those
 3 otherwise permitted by the Commission. Each proclamation shall state the hour and date upon
 4 which it becomes effective and shall be issued at least 48 hours prior to the effective date and
 5 time. A permanent file of the text of all proclamations shall be maintained in the office of the
 6 Executive Director. Certified copies of proclamations are entitled to judicial notice in any civil
 7 or criminal proceeding.

8 ...

9 (e) Upon application of any landholder or agent of a ~~landholder accompanied by a fee of~~
 10 ~~fifty dollars (\$50.00), landholder,~~ the Executive Director or the Executive Director's designee
 11 may issue to ~~such the~~ landholder or agent a special ~~license permit~~ and a number of special
 12 antlerless or antlered deer tags that in the judgment of the Executive Director or designee is
 13 sufficient to accommodate the landholder or the landholder's agent's deer population
 14 management ~~objectives or objectives,~~ correct any deer population imbalance that may occur on
 15 the ~~property, property,~~ or address disease management in deer population. Subject to applicable
 16 hunting license requirements, the special deer tags may be used by any person or persons selected
 17 by the landholder or his agent as authority to take antlerless deer, including male deer with
 18 "buttons" or spikes not readily visible, or antlered deer on the tract of land concerned during any
 19 established deer hunting season. The Executive Director or designee may stipulate on the ~~license~~
 20 permit that special deer tags for antlered deer, if applicable, may only be valid for deer that meet
 21 certain minimum harvest criteria. The Executive Director or designee may also define on the
 22 ~~license permit~~ valid hunt dates that fall outside of the general deer hunting season, manner
 23 of take, and disease testing requirements. Harvested antlerless or antlered deer for which special
 24 tags are issued shall be affixed immediately with a special deer tag and shall be reported
 25 ~~immediately in the wildlife cooperator tagging book supplied with the special deer tags. This~~
 26 ~~tagging book and any unused tags shall be returned to the Commission within 15 days of the~~
 27 ~~close of the season, pursuant to the Commission's requirements for big game harvest reporting.~~
 28 The Wildlife Resources Commission may offer an alternate reporting system when the
 29 Commission determines that such an alternate system is appropriate. Antlerless or antlered deer
 30 taken under this program and tagged with the special tags provided shall not count as part of the
 31 daily bag, possession, and season limits of the person taking the deer.

32"

33 **CONFORMING CHANGES TO PERSONAL FLOTATION DEVICE STATUTES**

34 **SECTION 2.3.** G.S. 75A-13.3(d) reads as rewritten:

35 "(d) No person shall operate a personal watercraft on the waters of this State, nor shall the
 36 owner of a personal watercraft knowingly allow another person to operate that personal
 37 watercraft on the waters of this State, unless:

- 38 (1) Each person riding on or being towed behind the vessel is wearing a ~~type I,~~
 39 ~~type II, type III, or type V~~ personal flotation device approved by the United
 40 States Coast Guard. Inflatable personal flotation devices do not satisfy this
 41 requirement; and
- 42 (2) In the case of a personal watercraft equipped by the manufacturer with a
 43 lanyard-type engine cut-off switch, the lanyard is securely attached to the
 44 person, clothing, or flotation device of the operator at all times while the
 45 personal watercraft is being operated in such a manner to turn off the engine
 46 if the operator dismounts while the watercraft is in operation."

47 **RELOCATION OF FALLEN OFFICERS MEMORIAL**

48 **SECTION 2.4.** G.S. 100-2.1(c) reads as rewritten:

49 "(c) Exceptions. – This section does not apply to the following:

- 1 (1) Highway markers set up by the Board of Transportation in cooperation with
2 the Department of Environmental Quality and the Department of Natural and
3 Cultural Resources as provided by Chapter 197 of the Public Laws of 1935.
4 (2) An object of remembrance owned by a private party that is located on public
5 property and that is the subject of a legal agreement between the private party
6 and the State or a political subdivision of the State governing the removal or
7 relocation of the object.
8 (3) An object of remembrance for which a building inspector or similar official
9 has determined poses a threat to public safety because of an unsafe or
10 dangerous condition.
11 (4) An object of remembrance commemorating law enforcement officers of the
12 Wildlife Resources Commission killed in the line of duty."
13

14 ONLINE ELECTRONIC LICENSING CONFORMING CHANGES

15 **SECTION 2.5.(a)** G.S. 75A-34(a) reads as rewritten:

16 "(a) Any owner of a motorized vessel or sailboat 14 feet or longer or any personal
17 watercraft, as defined in G.S. 75A-13.3(a), that is applying for a certificate of number for the first
18 time in this State pursuant to G.S. 75A-5(a), and any new owner of a motorized vessel or sailboat
19 14 feet or longer or any personal watercraft to whom ownership is being transferred under
20 G.S. 75A-5(c) shall apply to the Commission for a certificate of title for that vessel. Any other
21 vessel may be titled in this State at the owner's option. A vessel may not be titled in this State if
22 it is titled in another state, unless the current title is ~~surrendered~~submitted to the Commission
23 along with the application for a certificate of title in this State. The Commission shall issue a
24 certificate of title upon reasonable evidence of ownership, which may be established by affidavit,
25 bill of sale, manufacturer's statement of origin, certificate of title in this State, certificate of
26 number or title from another state, or other document satisfactory to the Commission. Only one
27 certificate of title may be issued for any vessel in this State. A vessel may not be titled in this
28 State if it is documented with the United States Coast Guard, unless the documentation has
29 expired or been deleted by the United States Coast Guard. The Commission shall issue a
30 certificate of title upon receipt of a completed application, along with the appropriate fee and
31 reasonable evidence of ownership. The Commission shall require a manufacturer's statement of
32 origin for all new vessels being issued a certificate of number and a certificate of title for the first
33 time. The Commission may request a pencil tracing of the hull identification number (serial
34 number) for vessels being transferred, in order to positively identify the vessel before issuance
35 of a certificate of title for that vessel."

36 **SECTION 2.5.(b)** G.S. 75A-41 reads as rewritten:

37 "**§ 75A-41. Security interests subsequently created.**

38 Except for security interests in vessels that are inventory held for sale, security interests
39 created in vessels by the voluntary act of the owner after the original issue of title to the owner
40 must be shown on the certificate of title. In such cases, the owner shall file an application with
41 the Commission on a form furnished for that purpose, setting forth all security interests and other
42 information as the Commission requires. The Commission, if satisfied that it is proper that the
43 security interests be recorded, shall upon ~~surrender~~submission of the certificate of title covering
44 the vessel, issue a new certificate of title showing any security interests in the order of the priority
45 according to the date of the filing of the application. For the purpose of recording the subsequent
46 security interest, the Commission may require any secured party to deliver the certificate of title
47 to the Commission. The newly issued certificate shall be sent or delivered to the secured party of
48 first priority listed on the certificate of title."
49

50 PART III. EFFECTIVE DATE

1 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
2 law.