



HOUSE BILL 192: 2023 Wildlife Resources Changes.

2023-2024 General Assembly

Committee: House Rules, Calendar, and Operations of the **Date:** May 3, 2023
House

Introduced by: Reps. Adams, Clampitt, Moss
Analysis of: Second Edition

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OVERVIEW: *House Bill 192 would make various changes to the statutes governing the Wildlife Resources Commission (WRC).*

CURRENT LAW & BILL ANALYSIS:

AUTHORIZE ACQUISITION OR CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE COMMISSION

The Office of State Budget and Management manages the budgeting of capital improvement projects for State agencies. This budgeting process includes a database of existing facilities owned by State agencies, criteria used to evaluate capital improvement needs, six-year capital improvement needs and estimates, and recommendations for capital improvement in the Recommended State Budget. The Board of Governors of the University of North Carolina and the National Guard are exempt from seeking approval for capital improvement expenditures provided certain criteria concerning the use of federal funds are met.

Section 1.1 would exempt WRC from requiring approval for capital improvement expenditures provided that the project will be funded entirely with agency receipts or federal funds and any operating costs associated with the project will be paid entirely with agency receipts or federal funds. This section would become effective July 1, 2023.

COMMISSION TO RETAIN CERTAIN DREDGING FUNDS

The Boating Account within the Wildlife Resources Fund holds all moneys collected pursuant to the numbering and titling of vessels, as well as a portion of the motor fuels excise tax. The money in the Boating Account must be used by WRC for the administration and enforcement of boating and water safety, including education, waterway marking and improvement, and boating access area acquisition, development, and maintenance. Fifty percent of fees collected by WRC for vessel titling must be transferred quarterly to the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund (Fund), which provides funds for dredging and weed removal throughout the State.

Section 1.2 would allow WRC to retain \$100,000 of each quarterly transfer to the Fund to be used for WRC-directed dredging projects. This section would become effective July 1, 2023.

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DAM REMOVAL FUNDING EXTENSION AND ELIGIBILITY REVISION

[S.L. 2021-180, 2021 Appropriations Act](#), allocated \$7,200,000 for the 2022-2023 fiscal year to WRC for the "removal of high hazard dams in the mountain region of the State."

Section 1.3 would provide that, notwithstanding any restrictions placed on the funds in the 2021 Appropriations Act, WRC may use dam removal funds for dams in the mountain region of the State not categorized as "high-hazard" but otherwise prioritized for removal by WRC. This section would provide that the funds do not revert but would instead remain available to WRC for dam removal purposes until June 30, 2025. This section would become effective June 30, 2023.

STATE CONSTRUCTION PERMITTING EXEMPTION

The Department of Administration (DOA) has broad oversight authority concerning State agency building architecture and engineering.

Section 2.1 would exempt WRC from DOA's architecture and engineering authority for projects within boating access areas, public fishing areas, and WRC game lands with an estimate cost of \$750,000 of less and establishes a procedure by which WRC shall conduct certain fee negotiations and contract oversight. This section would also require WRC to report to the State Building Commission on any projects governed under this section no later than October 1 of each year. This section would become effective July 1, 2023.

CHRONIC WASTING DISEASE/DEER MANAGEMENT ASSISTANCE PROGRAM CHANGES

G.S. 113-306(f) grants the Executive Director of WRC authority to adopt rules when doing so is necessary to respond to a "wildlife disease that threatens irreparable injury to wildlife or the public." Pursuant to this authority, WRC has adopted rules responding to recent outbreaks of chronic wasting disease (CWD) in the State, including designating Primary Surveillance Areas (PSAs) and Secondary Surveillance Areas (SSAs), and requirements for sampling of any cervid taken from those areas.

Section 2.2(a) would create a new license available to a person that either holds a valid NC big game license or is otherwise exempt from hunting license requirements, to take two deer of either sex in an area identified by WRC as a special management area due to the presence or potential presence of CWD. This license would be issued without a fee to any eligible person.

Section 2.2(b) would allow the Executive Director of WRC to issue proclamations creating or modifying PSAs and SSAs, as well as mandatory sampling requirements, for cervids taken in areas where the Executive Director receives notice of a new confirmed case of CWD in that area. These proclamations would not be subject to the Administrative Procedure Act. This section would also remove the application fee for a landholder to obtain special permits to accommodate the landholder's deer population management, including correcting deer population imbalances and allow for such permits to address disease management in the deer population. The section would also amend the reporting requirements for deer taken by this special permit to be consistent with WRC requirements for big game harvesting.

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CONFORMING CHANGES TO PERSONAL FLOTATION DEVICE STATUTES

Pursuant to G.S. 75A-13.3, no person may operate a personal watercraft on the waters of the State or allow another person to operate that watercraft unless, among other requirements, each person riding on or being towed behind the watercraft is wearing a type I, type II, type III, or type V personal flotation device (PFD) approved by the US Coast Guard. The Code of Federal Regulations section governing PFDs no longer uses the type designations in requiring PFDs.

Section 2.3 would eliminate the type designations in statute, consistent with federal law. Each person riding on or being towed behind a watercraft would still be required to wear a PFD approved by the US Coast Guard.

RELOCATION OF FALLEN OFFICERS MEMORIAL

G.S. 100-2.1 requires that any State-owned monument, memorial, or work of art may not be removed, relocated, or altered without the approval of the North Carolina Historical Commission. There are express exemptions for highway markers, privately-owned objects of remembrance on public property and subject to a legal agreement between the private party and the State governing removal, and objects of remembrance that pose a threat to public safety.

Section 2.4 would add an object of remembrance commemorating WRC law enforcement officers killed in the line of duty to the list of exemptions in G.S. 100-2.1.

ONLINE ELECTRONIC LICENSING CONFORMING CHANGES

Section 15.3 of S.L. 2022-74, 2022 Appropriations Act, authorized WRC to contract with a third-party vendor to build and maintain an enterprise licensing system to support the business functions of WRC, including conducting vessel transactions.

Section 2.5 would make a conforming change to how titles are delivered to WRC for the purposes of titling a vessel that is otherwise titled in another state so that the third-party vendor would be allowed to submit these documents to WRC.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.