

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 192
Committee Substitute Favorable 4/5/23
Committee Substitute #2 Favorable 5/3/23

Short Title: 2023 Wildlife Resources Changes.-AB

(Public)

Sponsors:

Referred to:

February 27, 2023

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE WILDLIFE LAWS, AS REQUESTED
BY THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

PART I. BUDGET AND FUNDING MATTERS

WILDLIFE RESOURCES COMMISSION CAPITAL EXEMPTION

SECTION 1.1.(a) G.S. 143C-8-7 reads as rewritten:

"§ 143C-8-7. When a State agency may begin a capital improvement project.

(a) No State agency may expend funds for the construction or renovation of any capital improvement project except as needed to comply with this Article or as otherwise authorized by (i) an act of the General Assembly or (ii) subsection (b) of this section. Funds that become available by gifts, excess patient receipts above those budgeted at the University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly, or any other funds available to a State agency or institution may be utilized for advanced planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget.

(b) Notwithstanding any other provision of law to the contrary, ~~the Department of Agriculture and Consumer Services is the following agencies are~~ authorized to utilize the types of funds described in subsection (a) of this section to build for capital improvement projects with a total project cost less than one hundred fifty thousand dollars (\$150,000) as follows:

(1) The Department of Agriculture and Consumer Services, for equipment structures that meet the description contained in G.S. 143-138(b4)(1)c. on an as-needed basis, provided that the total project cost does not exceed one hundred twenty five thousand dollars (\$125,000).basis.

(2) The Wildlife Resources Commission, for equipment storage or maintenance buildings."

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

COMMISSION TO RETAIN CERTAIN DREDGING FUNDS

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

(c) The Boating Account is established within the Wildlife Resources Fund created under G.S. 143-250. Interest and other investment income earned by the Account accrues to the Account. All moneys collected pursuant to the numbering and titling provisions of this Chapter



shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account under G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the Executive Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for activities relating to boating and water safety including education and waterway marking and improvement; and for boating access area acquisition, development, and maintenance. The Commission shall use at least three dollars (\$3.00) of each one-year certificate of number fee and at least nine dollars (\$9.00) of each three-year certificate of number fee collected under the numbering provisions of G.S. 75A-5 for boating access area acquisition, development, and maintenance. The Commission shall transfer on a quarterly basis fifty percent (50%) of each one-year certificate of number fee and fifty percent (50%) of each three-year certificate of number fee collected under the numbering provisions of G.S. 75A-5 to the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund established by G.S. 143-215.73F. Each quarter, the Commission may retain one hundred thousand dollars (\$100,000) of the transfer set forth in the preceding sentence of this subsection and use the retained funds for Commission-directed dredging projects."

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

DAM REMOVAL FUNDING EXTENSION AND ELIGIBILITY REVISION

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

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

PART II. POLICY AND STATUTORY MATTERS

STATE CONSTRUCTION PERMITTING EXEMPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHRONIC WASTING DISEASE/DEER MANAGEMENT ASSISTANCE PROGRAM CHANGES

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

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

...

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

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

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

...

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

(a2) Notwithstanding G.S. 113-306 and Chapter 150B of the General Statutes, when the Executive Director of the Wildlife Resources Commission receives notification of a new confirmed Chronic Wasting Disease-positive cervid in North Carolina, the Executive Director of the Wildlife Resources Commission is authorized to issue proclamations to establish and modify Primary Surveillance Area(s) and Secondary Surveillance Area(s) and mandatory sampling requirements for cervids taken in those areas by licensed and license-exempt individuals or those otherwise permitted by the Commission. Each proclamation shall state the hour and date upon which it becomes effective and shall be issued at least 48 hours prior to the effective date and time. A permanent file of the text of all proclamations shall be maintained in the office of the Executive Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding.

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

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CONFORMING CHANGES TO PERSONAL FLOTATION DEVICE STATUTES

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

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

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

RELOCATION OF FALLEN OFFICERS MEMORIAL**SECTION 2.4.** G.S. 100-2.1(c) reads as rewritten:

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

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

ONLINE ELECTRONIC LICENSING CONFORMING CHANGES**SECTION 2.5.(a)** G.S. 75A-34(a) reads as rewritten:

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

SECTION 2.5.(b) G.S. 75A-41 reads as rewritten:**"§ 75A-41. Security interests subsequently created.**

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

1 to the Commission. The newly issued certificate shall be sent or delivered to the secured party of
2 first priority listed on the certificate of title."
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4 **PART III. EFFECTIVE DATE**

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