

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 181

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

Sponsors: Representatives Adams, Yarborough, and Wray (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources, if favorable, Marine Resources and Aqua Culture, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 1, 2021

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.



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

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

5
6 **AUTHORIZE ACQUISITION OR CONSTRUCTION OF CERTAIN CAPITAL**
7 **IMPROVEMENT PROJECTS OF THE COMMISSION**

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

9 **"§ 143C-8-12. Capital improvement projects from sources other than the General Fund.**

10 ...

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

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

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

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

25
26 **MOTOR FLEET EXEMPTION**

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

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

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

40
41 **REVISE REQUIREMENTS FOR HARVEST OF BLACK BEAR**

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

43 **"§ 113-291.7. Regulation of bears; limited retention of local acts closing bear seasons.**

44 ...

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

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

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

1 (3) The sex of the harvested bear.

2 (4) The county of harvest.

3 (d) Violation of subsection (c) of this section shall be an infraction as provided in
4 G.S. 14-3.1, punishable by a fine of thirty-five dollars (\$35.00). A person responsible for an
5 infraction under this subsection shall not be assessed court costs, but the Executive Director of
6 the North Carolina Wildlife Resources Commission is authorized to revoke or refuse to issue
7 bear e-stamp privileges for any individual guilty of an infraction for violations of subsection (c)
8 of this section for two consecutive years or upon failure to pay outstanding infraction fines when
9 required to do so."

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

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

14 **WILDLIFE RESOURCES COMMISSION PROCLAMATION AUTHORITY**

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

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

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

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

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

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

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

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

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

49 **REPEAL COMMISSION LAW ENFORCEMENT OFFICER REPORT**

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

2
3 **WILDLIFE CONTROL TECHNICIAN CERTIFICATION AMENDMENTS**

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

5 "**§ 113-273. Other licenses.**

6 ...

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

14 (l1) Wildlife Control Technician Certification. – An individual who is under the direct
15 supervision of a licensed wildlife control agent and who engages in wildlife damage control or
16 wildlife removal activities for compensation under the direct supervision of a licensed wildlife
17 control agent shall first procure a wildlife control technician certification. This is an annual
18 certification issued by the Wildlife Resources Commission for twenty-five dollars (\$25.00). This
19 certification shall not authorize the individual to issue depredation permits. This certification
20 shall not be required for licensed trappers taking wild animals during the established trapping
21 season for that species. For purposes of this subsection, the term "wildlife damage control or
22 wildlife removal activities" shall include bat eviction and alligator damage control or removal
23 activities, and the term "for compensation" shall include reimbursement for the cost of materials.
24 The Wildlife Resources Commission may adopt rules to certify and set standards for wildlife
25 control technicians.

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

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

36
37 **VETERANS EXEMPTION FOR MOUNTAIN HERITAGE TROUT WATERS LICENSE**

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

39 "(l3) A resident or nonresident of this State who served as a member of the Armed Forces
40 and who separated under honorable conditions is exempt from the Mountain Heritage Trout
41 fishing license requirements of G.S. 113-271(d)(10) while fishing in waters designated by the
42 Wildlife Resources Commission as Mountain Heritage Trout waters. In order to qualify for the
43 exemption provided under this subsection, the person shall have valid documentation of their
44 service on his or her person at all times during the fishing activity."

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

46
47 **WATERFOWL HUNTING PUBLIC PROPERTY**

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

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

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

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

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

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

18 RESPONSIBLE HUNTER TRAINING

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

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

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

31 PREPARATION FOR CHRONIC WASTING DISEASE

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

34 **"§ 143-254.7. Appropriation and emergency power to combat Chronic Wasting Disease.**

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

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

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EFFECTIVE DATE

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