

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 181
Committee Substitute Favorable 3/23/21
Committee Substitute #2 Favorable 3/30/21
PROPOSED COMMITTEE SUBSTITUTE H181-CSBRf-9 [v.7]
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Short Title: Wildlife Resources Comm'n. Amendments.-AB

(Public)

Sponsors:

Referred to:

March 1, 2021

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

The General Assembly of North Carolina enacts:

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

SECTION 1.(a) G.S. 143C-8-12 reads as rewritten:

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

...

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

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

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

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

REVISE REQUIREMENTS FOR HARVEST OF BLACK BEAR

SECTION 2.(a) G.S. 113-291.7 reads as rewritten:

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

...

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

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



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- (2) The hunter's Wildlife Resources Commission customer number and bear harvest authorization number.
- (3) The sex of the harvested bear.
- (4) The county of harvest.

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

SECTION 2.(b) The Wildlife Resources Commission may adopt temporary and permanent rules to implement this section.

SECTION 2.(c) Subsection (a) of this section becomes effective October 1, 2021, and applies to bear hunting seasons beginning on or after that date.

REPEAL COMMISSION LAW ENFORCEMENT OFFICER REPORT

SECTION 3. Subsection 35(b) of S.L. 2015-263 is repealed.

WILDLIFE CONTROL TECHNICIAN CERTIFICATION AMENDMENTS

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

"§ 113-273. **Other licenses.**

...

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

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

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

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

2
3 **VETERANS EXEMPTION FOR MOUNTAIN HERITAGE TROUT WATERS LICENSE**

4 **SECTION 5.(a)** G.S. 113-276 is amended by adding a new subsection to read:

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

11 **SECTION 5.(b)** This section becomes effective October 1, 2021.

12
13 **WATERFOWL HUNTING PUBLIC PROPERTY**

14 **SECTION 6.(a)** Section 1 of S.L. 2019-98 reads as rewritten:

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

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

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

29 **SECTION 6.(b)** This section applies only to Roanoke Rapids Lake in Halifax and
30 Northampton Counties.

31 **SECTION 6.(c)** This section is effective when it becomes law and applies to offenses
32 committed on or after that date.

33
34 **PREPARATION FOR CHRONIC WASTING DISEASE**

35 **SECTION 7.(a)** Article 12 of Chapter 143 of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 143-254.7. Appropriation and emergency power to combat Chronic Wasting Disease.**

38 If the Commission determines that an outbreak of Chronic Wasting Disease in the State
39 constitutes a significant threat to deer and other cervid species, the Commission may declare a
40 wildlife emergency. Upon declaration of the wildlife emergency, the Commission shall request
41 needed additional funding for immediate investigation, containment, and eradication of the
42 outbreak from the Contingency and Emergency Fund to the Council of State for approval
43 following the process set forth in G.S. 143C-4-4(c). The approved funds will be allocated by the
44 State Controller to a special fund called the Chronic Wasting Disease Emergency Response Fund
45 (CWD Response Fund). Funds allocated to the CWD Response Fund are appropriated to the
46 Wildlife Resources Commission for the purposes for which the funds are requested and approved.
47 The Commission shall request any federal funds available to combat Chronic Wasting Disease
48 in cervids, and any such funds obtained will be used to offset State funds appropriated under this
49 section to the extent allowed by applicable law. The Commission will inform the Office of State
50 Budget and Management of the amount of State funds offset by federal funds, and the Office of
51 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 7.(b) This section becomes effective July 1, 2021.

RESTORE WILDLIFE PROTECTOR INSPECTION AUTHORITY

SECTION 8. G.S. 113-136 reads as rewritten:

"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

...

(k) It is unlawful to refuse to exhibit upon request by any inspector, protector, or other law enforcement officer any item required to be carried by any law or rule as to which inspectors or protectors have enforcement jurisdiction. The items that must be exhibited include boating safety or other equipment or any license, permit, tax receipt, certificate, or identification. It is unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect ~~weapons or equipment~~ weapons, equipment, fish, or wildlife if the officer reasonably believes them to be possessed incident to an activity regulated by any law or rule as to which inspectors and protectors have enforcement jurisdiction ~~and the officer has a reasonable suspicion that a violation has been committed, except that an officer may inspect a shotgun to confirm whether it is plugged or unplugged without a reasonable suspicion that a violation has been committed. It is unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect fish or wildlife for the purpose of ensuring compliance with bag limits and size limits. Except as authorized by G.S. 113-137, nothing in this section gives an inspector, protector, or other law enforcement officer the authority to inspect, in the absence of a person in apparent control of the item to be inspected, any of the following:~~ jurisdiction.

(1) ~~Weapons.~~

(2) ~~Equipment, except for equipment left unattended in the normal operation of the equipment, including, but not limited to, traps, trot lines, crab pots, and fox pens.~~

(3) ~~Fish.~~

(4) ~~Wildlife.~~

...."

HALF-PRICED LIFETIME LICENSES FOR CERTAIN RESIDENTS

SECTION 9.(a) G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

...

(b) Lifetime Sportsman Licenses. – Lifetime sportsman licenses are valid for the lifetime of the licensees. Lifetime sportsman licenses entitle the licensees to take all wild animals and wild birds by all lawful methods, except trapping, in all open seasons, and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout waters, but do not entitle the licensee to engage in fishing in coastal fishing waters, except if the license was purchased before January 1, 2006, pursuant to G.S. 113-174.2(d)(2). A lifetime sportsman license issued under this subsection entitles the licensee to access and use Wildlife Resources Commission Property. Lifetime sportsman licenses issued by the Wildlife Resources Commission are:

...

(3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be issued only to an individual resident of the State who is 12 years of age or older but younger than 70 years of age. Except for individuals qualifying for a discounted license pursuant to G.S. 113-276(o), a resident who is 50 years

of age or older but younger than 70 years of age shall be eligible to purchase this license at fifty percent (50%) of the applicable fee.

...."

SECTION 9.(b) G.S. 113-351 reads as rewritten:

"§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.

(c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The Wildlife Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

(3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. – A license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters. [The licenses are as follows:]

c. Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$675.00. This license shall be issued only to an individual resident of the State who is 12 years of age or older but younger than 70 years of age ~~and who is a resident of the State age.~~ Except for individuals qualifying for a discounted license pursuant to G.S. 113-276(o), a resident who is 50 years of age or older but younger than 70 years of age shall be eligible to purchase this license at fifty percent (50%) of the applicable fee.

...."

REDUCE CONTROLLED RABBIT HUNTING PRESERVE OPERATOR LICENSE FEE

SECTION 10. G.S. 113-273(g) reads as rewritten:

"(g) Controlled Hunting Preserve Operator License. – The Wildlife Resources Commission is authorized by rule to set standards for and to license the operation of controlled hunting preserves operated by private persons. Controlled hunting preserves are of three types: one is an area marked with appropriate signs along the outside boundaries on which only domestically raised chukars, Hungarian partridges, and game birds other than wild turkeys are taken; one is an area enclosed with a dog-proof fence on which rabbits may be hunted with dogs only; and one is an area enclosed with a dog-proof fence on which foxes and coyotes may be hunted with dogs only. A controlled fox and coyote hunting preserve operated for private use may be of any size; a controlled hunting preserve operated for commercial purposes shall be an area of not less than 500 acres or of such size as set by regulation of the Wildlife Resources Commission, which shall take into account differences in terrain and topography, as well as the welfare of the wildlife.

Operators of controlled fox hunting preserves may purchase live foxes and coyotes from licensed trappers who live-trap foxes and coyotes during any open season for trapping them and may, at any time, take live foxes from their preserves for sale to other licensed operators. The controlled hunting preserve operator license for domestically raised birds, foxes, and coyotes may be purchased for a fee of one hundred dollars ~~(\$100.00)~~ (\$100.00). The controlled hunting preserve operator license for rabbits may be purchased for a fee of twenty-five dollars (\$25.00). The controlled hunting preserve operator license ~~and~~ is an annual license issued beginning 1 July each year running until the following 30 June."

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EFFECTIVE DATE

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.