



HOUSE BILL 181: Wildlife Resources Comm'n. Amendments.

2021-2022 General Assembly

Committee:	House Wildlife Resources. If favorable, re- refer to Marine Resources and Aqua Culture. If favorable, re-refer to Finance. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	March 23, 2021
Introduced by:	Reps. Adams, Yarborough, Wray	Prepared by:	Kyle Evans
Analysis of:	PCS to First Edition H181-CSTQ-9		Committee Co-Counsel

OVERVIEW: *House Bill 181 would make various changes to statutes governing the Wildlife Resources Commission (WRC).*

CURRENT LAW AND BILL ANALYSIS:

STATE CONSTRUCTION PERMITTING EXEMPTION

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

Section 1 exempts WRC from DOA's architecture and engineering authority for projects 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, 2021.

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 Recommend 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 2 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, 2021.

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MOTOR FLEET EXEMPTION

The Department of Administration operates and maintains a central motor fleet for all State agencies, and requires, on a set schedule, State agencies to transfer ownership, custody, or control of passenger vehicles from the agency to the Department. This required ownership transfer does not apply to the vehicles owned by the Highway Patrol, State Bureau of Investigation, the Alcohol Law Enforcement Division of DPS, the Samarcand Training Academy, or the constituent institutions of the UNC System which are used primarily for law enforcement purposes.

Section 3 would add WRC to the list of agencies exempted from the motor fleet requirement.

This section would become effective July 1, 2021.

REVISE REQUIREMENTS FOR HARVEST OF BLACK BEAR

Section 4 would require any hunter who harvests a black bear to submit at least one premolar tooth to WRC no later than January 31 following the applicable prior bear hunting season. The hunter must include with the tooth the hunter's name, mailing address, WRC customer number, and bear harvest authorization number, the harvested bear's sex, and the county of harvest.

Failing to submit a premolar tooth in accordance with this section would be an infraction punishable by a \$35 fine. The Executive Director of WRC would be authorized to revoke the bear e-stamp privileges for any individual guilty of a violation of this section for two consecutive years.

This section would become effective October 1, 2021 and apply to bear hunting seasons beginning on or after that date. WRC may adopt temporary and permanent rules to implement this section.

WILDLIFE RESOURCES COMMISSION PROCLAMATION AUTHORITY

Proclamations are public notices that suspend or implement rules affected by variable conditions. Proclamation authority is currently granted to the Marine Fisheries Commission to set certain fishing seasons and areas, harvest and gear limits, and conditions governing coastal and joint fisheries.

Section 5 would give proclamation authority over inland fishing to WRC and allow WRC to delegate that authority to the Executive Director. Proclamations would only be issued by WRC or the Executive Director in response to natural disasters, human health emergencies, or issues threatening or compromising the biological integrity of a species or population. Proclamations would be required to be issued at least 48 hours prior to its effective date and time, except for reasons of public health, quota-managed fisheries, or reopening a fishery previously closed for public health reasons. Fishery resources taken in violation of a proclamation could be seized regardless of whether the violator had actual notice of the proclamation. The Executive Director would be responsible for making reasonable efforts to give notice of the terms of any proclamation.

REPEAL COMMISSION LAW ENFORCEMENT OFFICER REPORT

Section 35(b) of S.L. 2015-263 requires WRC to report to the Joint Legislative Oversight Committee on Justice and Public Safety regarding complaints against WRC law enforcement officers.

Section 6 would repeal this reporting requirement.

WILDLIFE CONTROL TECHNICIAN CERTIFICATION AMENDMENTS

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Section 7 would establish a wildlife control technician certification for employees of wildlife control agents who engage in wildlife damage control or wildlife removal activities for compensation. The certification would cost \$25 annually. The certification would not authorize individuals to issue depredation permits and would not be required for licensed trapper taking wild animals during the appropriate established trapping season. The Wildlife Resources Commission may adopt rules to certify and set standards for wildlife control technicians.

This section would become effective October 1, 2021.

VETERANS EXEMPTION FOR MOUNTAIN HERITAGE TROUT WATERS LICENSE

Section 8 would exempt veterans discharged under honorable conditions from needing a Mountain Heritage Trout fishing license while fishing in waters designated by WRC as Mountain Heritage Trout waters. To qualify for this exemption, a veteran would be required to always have valid documentation of their service on his or her person during the fishing activity.

This section would become effective October 1, 2021.

WATERFOWL HUNTING PUBLIC PROPERTY

S.L. 2019- 98, which applies only to Roanoke Rapids Lake in Halifax and Northampton Counties, made it unlawful during established waterfowl seasons to leave waterfowl hunting equipment or vessels unattended or unoccupied prior to 4:00AM each day. Violation of this act is a Class 2 misdemeanor punishable by a fine of not less than \$250 in addition to any other punishment prescribed for that offense.

Section 9 would amend S.L. 2019-98 to make it unlawful during established waterfowl seasons to leave or place any waterfowl hunting equipment or vessels between two hours after sunset and 4:00AM. This section would also change the hours during which it is unlawful to leave waterfowl hunting equipment and vessels unattended or unoccupied to between the hours of 4:00AM and two hours after sunset.

This section would apply only to Roanoke Rapids Lake in Halifax and Northampton Counties, and would become effective on October 1, 2021 and apply to offenses committed on or after that date.

RESPONSIBLE HUNTER TRAINING

Section 10 would direct WRC to create and distribute a manual of practices identifying customary and responsible methods and practices of hunting deer with dogs, with an emphasis on respect for property rights and safety. WRC would be directed to develop this manual no later than June 30, 2021 and publish it no later than July 31, 2021.

Beginning July 31, 2021, WRC would have to include the information in the manual as part of the course of instruction for new hunters required by G.S. 113-270.1A.

PREPARATION FOR CHRONIC WASTING DISEASE

Section 11 would allow WRC to declare a wildlife emergency to respond to an outbreak of chronic wasting disease (CWD) in the State. Upon declaring a wildlife emergency, WRC would be authorized to request needed funding for immediate investigation, containment, and eradication of the outbreak from the Contingency and Emergency Fund to the Council of State following the existing process for requesting an allocation from that fund. WRC would be required to request any available federal funds to address a

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CWD outbreak, and those funds would be used to offset State funds appropriated from the Contingency and Emergency Fund.

This section would become effective July 1, 2021.

RESTORE WILDLIFE PROTECTOR INSPECTION AUTHORITY

S.L. 2015-263 provided that a wildlife inspector, protector, or other law enforcement officer may not inspect weapons or equipment possessed incident to an activity under the officer's jurisdiction unless the officer has a reasonable suspicion that a violation has been committed, except to check whether a shotgun is plugged or unplugged. This session law also made it 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. Pursuant to this session law, officers are also prohibited from inspecting weapons, equipment, fish, or wildlife in the absence of a person in apparent control of the item to be inspected, with some exceptions.

Section 12 would no longer require that a wildlife inspector, protector, or other law enforcement officer have reasonable suspicion before inspecting weapons, equipment, fish, or other wildlife possessed incident to an activity under inspector/protector jurisdiction.

HALF-PRICED LIFETIME LICENSES FOR CERTAIN RESIDENTS

Section 13 would provide a 50% discount on the cost of an Adult Resident Lifetime Sportsman License and a Resident Adult Lifetime Unified Sportsman/Coastal Recreation Fishing License for residents of the State who are between the age of 50 and 70 and who are not otherwise eligible for a discounted license fee as an eligible member of a volunteer fire department.

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