



HOUSE BILL 192: 2023 Wildlife Resources Changes.

2023-2024 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: June 8, 2023
Introduced by: Reps. Adams, Clampitt, Moss	Prepared by: Chris Saunders
Analysis of: Fourth Edition	Staff Attorney

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

CURRENT LAW & BILL ANALYSIS:

WILDLIFE RESOURCES COMMISSION CAPITAL EXEMPTION

Under current law, State agencies may not expend funds for construction or renovation of capital improvement projects except as required by the Capital Improvement Planning and Budgeting Process or an act of the General Assembly. The only exception is that the Department of Agriculture and Consumer Services (DACS) is authorized to expend funds for these purposes to build equipment structures with a total project cost of less than \$125,000.

Section 1.1 would allow both Wildlife Resources Commission (WRC) and DACS to expend funds to construct or renovate equipment storage or maintenance buildings with a total project cost of less than \$150,000. This section would also raise the DACS project cost cap to \$150,000.

This section would become effective July 1, 2023.

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."

As of April 2023, about \$4,750,000 of these funds were remaining. WRC has indicated that there are enough pending projects to use all those funds.

Section 1.2 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.

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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 estimated cost of \$750,000 or 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.

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 U.S. 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 U.S. 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.

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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.

ALLOW USE OF UNMANNED AIRCRAFT SYSTEMS IN FISHING

Under current law, it is a Class 1 misdemeanor to hunt or fish using an unmanned aircraft system. "To fish" is defined as "to take fish" and "to take" is defined as "[a]ll operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession any fisheries resources or wildlife resources."

Section 2.6 would make it lawful to fish with the aid of an unmanned aircraft or unmanned aircraft system when the unmanned aircraft or unmanned aircraft system is used for the following purposes:

- Spotting fish.
- Locating fish.
- Recording, broadcasting, or streaming video of fish.
- Deploying bait.

This section would become effective July 1, 2023, and would apply to activities occurring on or after that date.

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

Kyle Evans, counsel to the Senate Agriculture, Energy, and Environment Committee, substantially contributed to this summary.