



# HOUSE BILL 192: 2023 Wildlife Resources Changes.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	December 8, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Chris Saunders Staff Attorney
<b>Analysis of:</b>	S.L. 2023-69		

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**OVERVIEW:** *S.L. 2023-69 makes the following changes to the statutes governing the Wildlife Resources Commission (WRC), as described in further detail below:*

- *Effective July 1, 2023, allows WRC to expend funds to construct or renovate equipment storage or maintenance buildings with a total project cost of less than \$150,000. Also allows the Department of Agriculture and Consumer Services (DACCS) to expend funds for these purposes to build equipment structures with a total project cost of less than \$150,000.*
- *Allows WRC to use funds appropriated for removal of high-hazard dams in the mountain region of the State to remove dams that are not categorized as "high-hazard" but are otherwise prioritized for removal by WRC, until June 30, 2025.*
- *Effective July 1, 2023, exempts WRC from the Department of Administration'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 must conduct certain fee negotiations and contract oversight.*
- *Creates a new license available to a person that either holds a valid 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 chronic wasting disease (CWD).*
- *Allows the Executive Director of WRC to issue proclamations creating or modifying CWD surveillance areas, 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.*
- *Eliminates floatation device type designations in statute, consistent with federal law.*
- *Allows for relocation of an object of remembrance commemorating WRC law enforcement officers killed in the line of duty.*
- *Makes 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 is allowed to submit these documents to WRC.*
- *Allows fishing with the aid of an unmanned aircraft or unmanned aircraft system when the unmanned aircraft or unmanned aircraft system is used for purposes of spotting fish; locating fish; recording, broadcasting, or streaming video of fish; or deploying bait. This section became effective July 1, 2023, and applies to activities occurring on or after that date.*

*Except as otherwise provided, this act became effective June 30, 2023.*

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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## **PRIOR LAW & BILL ANALYSIS:**

### **WILDLIFE RESOURCES COMMISSION CAPITAL EXEMPTION**

Under existing law, State agencies cannot 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. Prior to enactment of S.L. 2023-69, the only exception was that DACS was authorized to expend funds for these purposes to build equipment structures with a total project cost of less than \$125,000.

**Section 1.1** allows both 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 also raises the DACS project cost cap to \$150,000.

This section became effective July 1, 2023.

### **DAM REMOVAL FUNDING EXTENSION AND ELIGIBILITY REVISION**

[S.L. 2021-180, 2021 Appropriations Act](#), allocated \$7.2 million 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 \$4.75 million of these funds were remaining. WRC has indicated that there are enough pending projects to use all those funds.

**Section 1.2** provides that, notwithstanding any restrictions placed on the funds in the 2021 Appropriations Act, WRC can 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 provides that the funds do not revert but must instead remain available to WRC for dam removal purposes until June 30, 2025.

### **STATE CONSTRUCTION PERMITTING EXEMPTION**

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

**Section 2.1** exempts 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 must conduct certain fee negotiations and contract oversight. This section requires 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 became 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 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.

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**Section 2.2(a)** creates a new license available to a person that either holds a valid 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 is issued without a fee to any eligible person.

**Section 2.2(b)** allows 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 are not subject to the Administrative Procedure Act. This section also removes 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 also amends the reporting requirements for deer taken by the new license 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 can 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** eliminates the type designations in statute, consistent with federal law. Each person riding on or being towed behind a watercraft is still 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 cannot 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.

**Section 2.4** adds 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** makes 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 is allowed to submit these documents to WRC.

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## ALLOW USE OF UNMANNED AIRCRAFT SYSTEMS IN FISHING

Prior to enactment of S.L. 2023-69, it was 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** makes 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 became effective July 1, 2023, and applies to activities occurring on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided, this act became effective June 30, 2023.

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