

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

7

HOUSE BILL 181

Committee Substitute Favorable 3/23/21

Committee Substitute #2 Favorable 3/30/21

Committee Substitute #3 Favorable 6/3/21

Committee Substitute #4 Favorable 6/22/21

Sixth Edition Engrossed 6/23/21

Senate Agriculture, Energy, and Environment Committee Substitute Adopted 8/24/21

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:

NON-GENERAL FUND/NON-SCIF CAPITAL PROJECT AUTHORIZATIONS

SECTION 1. The General Assembly authorizes the following capital projects to be funded with receipts or from other non-General Fund and non-State Capital and Infrastructure Fund sources available to the Wildlife Resources Commission:

Amount of Non-General Fund Funding Authorized

Name of Project	FY 2021-2022	FY 2022-2023
Land Acquisition	10,000,000	6,000,000
Boating Access Areas Repairs & Renovations	900,000	900,000
Infrastructure Repairs & Renovations	1,500,000	
Setzer Hatchery Renovation	18,500,000	
Samarcand Training Facility	7,500,000	
New Bern Depot Boat Storage Building	275,000	
Marion Aquaculture Building	360,000	
Elizabethtown Depot Equipment Storage Building	200,000	
McKinney Lake Residence	300,000	
Sandhills Depot Equipment Storage Building	200,000	
District 7 Storage Building – Wilkesboro	140,000	
Burnsville Depot	500,000	
Balsam Depot Renovation	400,000	
Game Land Improvements	1,000,000	
Morganton Depot Equipment Storage Building		130,000
Mills River Depot Equipment Storage Building		150,000
Caswell Depot Equipment Storage Building		440,000
Rhems Depot Equipment Storage Building		230,000
TOTAL AMOUNT OF NON-GENERAL FUND CAPITAL PROJECTS AUTHORIZED	\$41,775,000	\$7,850,000



* H 1 8 1 - V - 7 *

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.

(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.

1 The Wildlife Resources Commission may adopt rules to certify and set standards for wildlife
2 control technicians.

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

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

13

14 **VETERANS EXEMPTION FOR MOUNTAIN HERITAGE TROUT WATERS LICENSE**

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

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

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

23

24 **WATERFOWL HUNTING PUBLIC PROPERTY**

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

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

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

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

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

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

44

45 **PREPARATION FOR CHRONIC WASTING DISEASE**

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

48 **"§ 143-254.7. Appropriation and emergency power to combat Chronic Wasting Disease.**

49 If the Commission determines that an outbreak of Chronic Wasting Disease in the State
50 constitutes a significant threat to deer and other cervid species, the Commission may declare a
51 wildlife emergency. Upon declaration of the wildlife emergency, the Commission shall request

1 needed additional funding for immediate investigation, containment, and eradication of the
2 outbreak from the Contingency and Emergency Fund to the Council of State for approval
3 following the process set forth in G.S. 143C-4-4(c). The approved funds will be allocated by the
4 State Controller to a special fund called the Chronic Wasting Disease Emergency Response Fund
5 (CWD Response Fund). Funds allocated to the CWD Response Fund are appropriated to the
6 Wildlife Resources Commission for the purposes for which the funds are requested and approved.
7 The Commission shall request any federal funds available to combat Chronic Wasting Disease
8 in cervids, and any such funds obtained will be used to offset State funds appropriated under this
9 section to the extent allowed by applicable law. The Commission will inform the Office of State
10 Budget and Management of the amount of State funds offset by federal funds, and the Office of
11 State Budget and Management shall direct the State Controller to transfer these funds from the
12 CWD Response Fund to the Contingency and Emergency Fund upon receipt of the federal
13 funds."

14 **SECTION 7.(b)** This section is effective July 1, 2021.

15
16 **HALF-PRICED LIFETIME LICENSES FOR CERTAIN RESIDENTS**

17 **SECTION 8.(a)** G.S. 113-270.1D reads as rewritten:

18 **"§ 113-270.1D. Sportsman licenses.**

19 ...
20 (b) Lifetime Sportsman Licenses. – Lifetime sportsman licenses are valid for the lifetime
21 of the licensees. Lifetime sportsman licenses entitle the licensees to take all wild animals and
22 wild birds by all lawful methods, except trapping, in all open seasons, and to fish with hook and
23 line for all fish in all inland and joint fishing waters, including public mountain trout waters, but
24 do not entitle the licensee to engage in fishing in coastal fishing waters, except if the license was
25 purchased before January 1, 2006, pursuant to G.S. 113-174.2(d)(2). A lifetime sportsman
26 license issued under this subsection entitles the licensee to access and use Wildlife Resources
27 Commission Property. Lifetime sportsman licenses issued by the Wildlife Resources
28 Commission are:

29 ...
30 (3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be
31 issued only to an individual resident of the State who is 12 years of age or
32 older but younger than 70 years of age. Except for individuals qualifying for
33 a discounted license pursuant to G.S. 113-276(o), a resident who is 50 years
34 of age or older but younger than 70 years of age shall be eligible to purchase
35 this license at fifty percent (50%) of the applicable fee.

36"

37 **SECTION 8.(b)** G.S. 113-351 reads as rewritten:

38 **"§ 113-351. Unified hunting and fishing licenses; subsistence license waiver.**

39 ...
40 (c) Types of Unified Hunting and Fishing Licenses; Fees; Duration. – The Wildlife
41 Resources Commission shall issue the following Unified Hunting and Fishing Licenses:

42 ...
43 (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. – A
44 license issued under this subdivision is valid for the lifetime of the licensee.
45 A license issued under this subdivision authorizes the licensee to take all wild
46 animals and wild birds, including waterfowl, by all lawful methods in all open
47 seasons, including the use of game lands; to fish with hook and line for all fish
48 in all inland fishing waters and joint fishing waters, including public mountain
49 trout waters; and to engage in recreational fishing in coastal fishing waters.
50 [The licenses are as follows:]

51 ...

- 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.

...."

EXTEND ELIGIBILITY FOR REDUCED PRICE LIFETIME HUNTING AND FISHING LICENSES TO RESCUE SQUAD AND EMS

SECTION 8A. G.S. 113-276(o) reads as rewritten:

"(o) An eligible member of a volunteer fire ~~department~~department, rescue squad, or emergency medical services squad for five consecutive fiscal years, including the prior fiscal year, may be issued any adult resident lifetime license issued and administered by the Wildlife Resources Commission for fifty percent (50%) of the applicable license fee amount. For purposes of this subsection, the term "eligible member" means (i) for volunteer fire department members, an individual appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under ~~G.S. 58-86-25~~G.S. 58-86-25 and (ii) for volunteer rescue or emergency medical services squad members, an individual appearing on the certified roster of eligible rescue or emergency medical services squad members submitted to the North Carolina Association of Rescue and Emergency Medical Services, Inc., under G.S. 58-86-30."

REDUCE CONTROLLED RABBIT HUNTING PRESERVE OPERATOR LICENSE FEE

SECTION 9. 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)~~and (\$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 is an annual license issued beginning 1 July each year running until the following 30 June."

UNLAWFUL BAITING CLARIFICATION

SECTION 9A.(a) G.S. 113-295 reads as rewritten:

"§ 113-295. Unlawful harassment of persons taking wildlife resources.

1 (a) It is unlawful for a person to interfere intentionally with the lawful taking of wildlife
2 resources or to drive, harass, or intentionally disturb any wildlife resources for the purpose of
3 disrupting the lawful taking of wildlife resources. It is unlawful to take or abuse property,
4 equipment, or hunting dogs that are being used for the lawful taking of wildlife resources. This
5 subsection does not apply to a person who incidentally interferes with the taking of wildlife
6 resources while using the land for other lawful activity such as agriculture, mining, or recreation.
7 This subsection also does not apply to activity by a person on land he owns or leases.

8 Violation of this subsection is a Class 2 misdemeanor for a first conviction and a Class 1
9 misdemeanor for a second or subsequent conviction.

10 (a1) It is unlawful to use an unmanned aircraft system, as defined in G.S. 15A-300.1, to
11 violate subsection (a) of this section. Violation of this subsection is a Class 1 misdemeanor.

12 (a2) It is unlawful for a person to place bait for the purpose of intentionally interfering
13 with the lawful taking of wildlife. Violation of this subsection is a Class 2 misdemeanor for a
14 first conviction and a Class 1 misdemeanor for a second or subsequent conviction.

15 (b) The Wildlife Resources Commission may, either before or after the institution of any
16 other action or proceeding authorized by this section, institute a civil action for injunctive relief
17 to restrain a violation or threatened violation of subsection (a) of this section pursuant to
18 G.S. 113-131. The action shall be brought in the superior court of the county in which the
19 violation or threatened violation is occurring or about to occur and shall be in the name of the
20 State upon the relation of the Wildlife Resources Commission. The court, in issuing any final
21 order in any action brought pursuant to this subsection may, in its discretion, award costs of
22 litigation including reasonable attorney and expert-witness fees to any party."

23 **SECTION 9A.(b)** This section becomes effective December 1, 2021, and applies to
24 offenses committed on or after that date.

25
26 **EFFECTIVE DATE**

27 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
28 law.