

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 192

Short Title: 2023 Wildlife Resources Changes.-AB (Public)

Sponsors: Representatives Adams, Clampitt, and Moss (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Wildlife Resources, if favorable, Appropriations, if favorable, Rules, Calendar,  
and Operations of the House

February 27, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE WILDLIFE LAWS, AS REQUESTED  
3 BY THE WILDLIFE RESOURCES COMMISSION.

4 The General Assembly of North Carolina enacts:

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6 **PART I. BUDGET AND FUNDING MATTERS**

7  
8 **AUTHORIZE ACQUISITION OR CONSTRUCTION OF CERTAIN CAPITAL**  
9 **IMPROVEMENT PROJECTS OF THE COMMISSION**

10 **SECTION 1.1.(a)** G.S. 143C-8-12 reads as rewritten:

11 "**§ 143C-8-12. Capital improvement projects from sources other than the General Fund.**

12 ...

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

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

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

26 **SECTION 1.1.(b)** This section becomes effective July 1, 2023.

27  
28 **COMMISSION TO RETAIN CERTAIN DREDGING FUNDS**

29 **SECTION 1.2.(a)** G.S. 75A-3(c) reads as rewritten:

30 "(c) The Boating Account is established within the Wildlife Resources Fund created under  
31 G.S. 143-250. Interest and other investment income earned by the Account accrues to the  
32 Account. All moneys collected pursuant to the numbering and titling provisions of this Chapter  
33 shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account under  
34 G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the Executive



1 Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for  
2 activities relating to boating and water safety including education and waterway marking and  
3 improvement; and for boating access area acquisition, development, and maintenance. The  
4 Commission shall use at least three dollars (\$3.00) of each one-year certificate of number fee and  
5 at least nine dollars (\$9.00) of each three-year certificate of number fee collected under the  
6 numbering provisions of G.S. 75A-5 for boating access area acquisition, development, and  
7 maintenance. The Commission shall transfer on a quarterly basis fifty percent (50%) of each  
8 one-year certificate of number fee and fifty percent (50%) of each three-year certificate of  
9 number fee collected under the numbering provisions of G.S. 75A-5 to the Shallow Draft  
10 Navigation Channel Dredging and Aquatic Weed Fund established by G.S. 143-215.73F. Each  
11 quarter, the Commission may retain one hundred thousand dollars (\$100,000) of the transfer set  
12 forth in the preceding sentence of this subsection and use the retained funds for  
13 Commission-directed dredging projects."

14 **SECTION 1.2.(b)** This section becomes effective July 1, 2023.

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

17 **SECTION 1.3.(a)** Notwithstanding any provision of S.L. 2021-180 or the  
18 Committee Report described in Section 43.2 of that act to the contrary, funds appropriated for  
19 the removal of high-hazard dams in the mountain region of the State (i) may be used for dams  
20 not categorized as high-hazard but otherwise prioritized for removal by the Commission utilizing  
21 data-driven criteria that take into account beneficial impacts on restoration of fisheries and  
22 wildlife resources, accessibility of the areas to be restored by dam removal to the public for  
23 recreational, hunting, and fishing activities and other relevant criteria and (ii) shall not revert at  
24 the end of the 2022-2023 fiscal year but shall remain available for expenditure until June 30,  
25 2025.

26 **SECTION 1.3.(b)** This section becomes effective June 30, 2023.

## 28 **PART II. POLICY AND STATUTORY MATTERS**

### 30 **STATE CONSTRUCTION PERMITTING EXEMPTION**

31 **SECTION 2.1.(a)** Article 24 of Chapter 143 of the General Statutes is amended by  
32 adding a new section to read:

33 **"§ 143-254.6. Powers of the Commission regarding certain fee negotiations, contracts, and**  
34 **capital improvements.**

35 (a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Commission shall, with  
36 respect to the design, construction, or renovation of property developments at boating access  
37 areas, public fishing areas, and game lands of the Commission, requiring the estimated  
38 expenditure of non-General Fund money, of seven hundred fifty thousand dollars (\$750,000) or  
39 less:

40 (1) Conduct the fee negotiations for all design contracts and supervise the letting  
41 of all construction and design contracts.

42 (2) Develop procedures governing the responsibilities of the Commission to  
43 perform the duties of the Department of Administration and the Director or  
44 Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

45 (b) The Commission shall use the standard contracts for design and construction currently  
46 in use for State capital improvement projects by the Office of State Construction of the  
47 Department of Administration.

48 (c) A contract may not be divided for the purpose of evading the monetary limit under  
49 this section.

50 (d) Notwithstanding any other provision of this Chapter, the Department of  
51 Administration shall not be the awarding authority for contracts awarded pursuant to this section.

1 (e) The Commission shall annually report the following to the State Building  
 2 Commission:

- 3 (1) A list of projects governed by this section.  
 4 (2) The estimated cost of each project along with the actual cost.  
 5 (3) The name of each person or business awarded a contract under this section.  
 6 (4) Whether the person or business awarded a contract under this section meets  
 7 the definition of "minority business" or "minority person" as defined in  
 8 G.S. 143-128.2(g)."

9 **SECTION 2.1.(b)** This section becomes effective July 1, 2023.

10  
 11 **CHRONIC WASTING DISEASE/DEER MANAGEMENT ASSISTANCE PROGRAM**  
 12 **CHANGES**

13 **SECTION 2.2.(a)** G.S. 113-270.3(b) reads as rewritten:

14 "(b) The special activity licenses and stamp issued by the Wildlife Resources Commission  
 15 are as follows:

16 ...

17 (2b) Bonus CWD Deer License. – This license may be issued to an individual  
 18 resident or nonresident of the State who holds a valid North Carolina hunting  
 19 license that entitles the licensee to take big game, or an individual resident  
 20 who is exempt from the hunting license requirement in accordance with  
 21 G.S. 113-276(c) and G.S. 113-276(d) and entitles the holder to take two deer  
 22 of either sex in an area identified by the Wildlife Resources Commission for  
 23 special management action due to the presence of or potential for Chronic  
 24 Wasting Disease during seasons and by methods authorized by the Wildlife  
 25 Resources Commission. This license expires June 30.

26 ...."

27 **SECTION 2.2.(b)** G.S. 113-291.2(e) reads as rewritten:

28 "(e) Upon application of any landholder or agent of a ~~landholder accompanied by a fee of~~  
 29 ~~fifty dollars (\$50.00), landholder,~~ the Executive Director or the Executive Director's designee  
 30 may issue to ~~such the~~ landholder or agent a special ~~license permit~~ and a number of special  
 31 antlerless or antlered deer tags that in the judgment of the Executive Director or designee is  
 32 sufficient to accommodate the landholder or the landholder's agent's deer population  
 33 management ~~objectives or objectives,~~ correct any deer population imbalance that may occur on  
 34 the ~~property.~~ property, or address disease management in deer population. Subject to applicable  
 35 hunting license requirements, the special deer tags may be used by any person or persons selected  
 36 by the landholder or his agent as authority to take antlerless deer, including male deer with  
 37 "buttons" or spikes not readily visible, or antlered deer on the tract of land concerned during any  
 38 established deer hunting season. The Executive Director or designee may stipulate on the ~~license~~  
 39 permit that special deer tags for antlered deer, if applicable, may only be valid for deer that meet  
 40 certain minimum harvest criteria. The Executive Director or designee may also define on the  
 41 ~~license permit~~ valid hunt dates that fall outside of the general deer hunting season. ~~season, manner~~  
 42 of take, and disease testing requirements. Harvested antlerless or antlered deer for which special  
 43 tags are issued shall be affixed immediately with a special deer tag and shall be reported  
 44 ~~immediately in the wildlife cooperator tagging book supplied with the special deer tags. This~~  
 45 ~~tagging book and any unused tags shall be returned to the Commission within 15 days of the~~  
 46 ~~close of the season.~~ pursuant to the Commission's requirements for big game harvest reporting.  
 47 The Wildlife Resources Commission may offer an alternate reporting system when the  
 48 Commission determines that such an alternate system is appropriate. Antlerless or antlered deer  
 49 taken under this program and tagged with the special tags provided shall not count as part of the  
 50 daily bag, possession, and season limits of the person taking the deer."  
 51

**CONFORMING CHANGES TO PERSONAL FLOTATION DEVICE STATUTES**

**SECTION 2.3.** G.S. 75A-13.3(d) reads as rewritten:

"(d) No person shall operate a personal watercraft on the waters of this State, nor shall the owner of a personal watercraft knowingly allow another person to operate that personal watercraft on the waters of this State, unless:

- (1) Each person riding on or being towed behind the vessel is wearing a ~~type-I, type-II, type-III, or type-V~~ personal flotation device approved by the United States Coast Guard. Inflatable personal flotation devices do not satisfy this requirement; and
- (2) In the case of a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch, the lanyard is securely attached to the person, clothing, or flotation device of the operator at all times while the personal watercraft is being operated in such a manner to turn off the engine if the operator dismounts while the watercraft is in operation."

**RELOCATION OF FALLEN OFFICERS MEMORIAL**

**SECTION 2.4.** G.S. 100-2.1(c) reads as rewritten:

"(c) Exceptions. – This section does not apply to the following:

- (1) Highway markers set up by the Board of Transportation in cooperation with the Department of Environmental Quality and the Department of Natural and Cultural Resources as provided by Chapter 197 of the Public Laws of 1935.
- (2) An object of remembrance owned by a private party that is located on public property and that is the subject of a legal agreement between the private party and the State or a political subdivision of the State governing the removal or relocation of the object.
- (3) An object of remembrance for which a building inspector or similar official has determined poses a threat to public safety because of an unsafe or dangerous condition.
- (4) An object of remembrance commemorating law enforcement officers of the Wildlife Resources Commission killed in the line of duty."

**ONLINE ELECTRONIC LICENSING CONFORMING CHANGES**

**SECTION 2.5.(a)** G.S. 75A-34(a) reads as rewritten:

"(a) Any owner of a motorized vessel or sailboat 14 feet or longer or any personal watercraft, as defined in G.S. 75A-13.3(a), that is applying for a certificate of number for the first time in this State pursuant to G.S. 75A-5(a), and any new owner of a motorized vessel or sailboat 14 feet or longer or any personal watercraft to whom ownership is being transferred under G.S. 75A-5(c) shall apply to the Commission for a certificate of title for that vessel. Any other vessel may be titled in this State at the owner's option. A vessel may not be titled in this State if it is titled in another state, unless the current title is ~~surrendered~~ submitted to the Commission along with the application for a certificate of title in this State. The Commission shall issue a certificate of title upon reasonable evidence of ownership, which may be established by affidavit, bill of sale, manufacturer's statement of origin, certificate of title in this State, certificate of number or title from another state, or other document satisfactory to the Commission. Only one certificate of title may be issued for any vessel in this State. A vessel may not be titled in this State if it is documented with the United States Coast Guard, unless the documentation has expired or been deleted by the United States Coast Guard. The Commission shall issue a certificate of title upon receipt of a completed application, along with the appropriate fee and reasonable evidence of ownership. The Commission shall require a manufacturer's statement of origin for all new vessels being issued a certificate of number and a certificate of title for the first time. The Commission may request a pencil tracing of the hull identification number (serial

1 number) for vessels being transferred, in order to positively identify the vessel before issuance  
2 of a certificate of title for that vessel."

3 **SECTION 2.5.(b)** G.S. 75A-41 reads as rewritten:

4 "**§ 75A-41. Security interests subsequently created.**

5 Except for security interests in vessels that are inventory held for sale, security interests  
6 created in vessels by the voluntary act of the owner after the original issue of title to the owner  
7 must be shown on the certificate of title. In such cases, the owner shall file an application with  
8 the Commission on a form furnished for that purpose, setting forth all security interests and other  
9 information as the Commission requires. The Commission, if satisfied that it is proper that the  
10 security interests be recorded, shall upon ~~surrender~~submission of the certificate of title covering  
11 the vessel, issue a new certificate of title showing any security interests in the order of the priority  
12 according to the date of the filing of the application. For the purpose of recording the subsequent  
13 security interest, the Commission may require any secured party to deliver the certificate of title  
14 to the Commission. The newly issued certificate shall be sent or delivered to the secured party of  
15 first priority listed on the certificate of title."

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17 **PART III. EFFECTIVE DATE**

18 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
19 law.