

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-250
HOUSE BILL 200

AN ACT TO PROVIDE FUNDS FOR DISASTER RELIEF FROM HURRICANE DORIAN AND OTHER NAMED STORMS, FUNDS FOR RESILIENCY MEASURES AGAINST FUTURE STORMS, AND FUNDING FOR THE RURAL HEALTH CARE STABILIZATION FUND; TO MAKE CORRECTIONS TO VARIOUS BUDGET RELATED BILLS; AND TO ENACT CERTAIN BUDGET PROVISIONS FROM HOUSE BILL 966, 2019 REGULAR SESSION.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS AND ALLOCATIONS

SECTION 1.1. State Match. – The State Controller shall transfer the sum of one hundred twenty-one million five hundred eighty-five thousand five hundred ninety-four dollars (\$121,585,594) from the Savings Reserve Account to the General Fund, and those funds are hereby appropriated as follows:

- (1) \$70,812,336 to the Hurricane Florence Disaster Recovery Fund created in S.L. 2018-134 for the Department of Public Safety to be used to provide State match for Hurricane Florence federal disaster assistance programs.
- (2) \$33,173,258 to the State Emergency Response and Disaster Relief Fund for the Department of Public Safety, Division of Emergency Management to used as follows:
 - a. \$11,197,013 to provide State match for federal disaster assistance programs related to Hurricane Matthew.
 - b. \$4,176,245 to provide State match for federal disaster assistance programs related to Hurricane Michael.
 - c. \$17,800,000 to provide State match for federal disaster assistance programs and funding for equivalent State assistance programs related to Hurricane Dorian.
- (3) \$17,600,000 to the Department of Environmental Quality to match additional federal funds for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

SECTION 1.2. Other Disaster Relief and Resiliency Appropriations/Nonrecurring Funds. – In addition to any other funds appropriated during the 2019-2020 fiscal year, there is appropriated from the unappropriated balance in the General Fund the sum of fifty-nine million fifty thousand dollars (\$59,050,000) in nonrecurring funds for the 2019-2020 fiscal year to be allocated as follows:

- (1) \$5,000,000 to the Office of State Budget and Management for the State Emergency Response and Disaster Relief Fund to ensure that sufficient funds are available to provide relief and assistance for Hurricane Dorian, recent storms, and future emergencies, as authorized by G.S. 166A-19.42.
- (2) \$9,800,000 to the Department of Public Safety, Division of Emergency Management to be used as follows:
 - a. \$5,000,000 to expand flood mitigation studies.



- b. \$4,800,000 for water level and breach monitoring systems for 1,510 high and intermediate risk dams.
- (3) \$15,000,000 to the Department of Public Safety, Office of Recovery and Resiliency to be used as follows:
 - a. \$10,000,000 to provide flexible local government loans to assist distressed communities impacted by Hurricane Matthew, Hurricane Florence, Hurricane Michael, or Hurricane Dorian. The Office shall enter into agreements with local governments to ensure the proper use of the funds and the return of the funds to the State once the local governments have received federal reimbursement. Loans may be used for cash flow assistance while awaiting federal reimbursement. NCORR shall operate the program on a revolving loan fund basis to assist the maximum number of local governments possible.
 - b. \$5,000,000 to provide flexible local government grants to assist distressed communities impacted by Hurricane Dorian. Grants may be used for repairs, staff support and technical assistance, cash flow assistance, and other related activities.
- (4) \$15,000,000 to the Office of State Budget and Management for the Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc., to provide grants to governmental entities and organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. The funds may be used to repair, replace, construct, or improve infrastructure or equipment damaged as a result of Hurricane Matthew, Florence, Michael, or Dorian, as well as to construct or improve infrastructure to support hazard mitigation. For the purposes of this program, infrastructure includes nonresidential buildings that serve the public, water, sewer, stormwater, and other publicly owned assets. The Golden L.E.A.F. may also provide grants to 501(c)(3) nonprofit organizations and established religious organizations to repair or replace places of worship damaged or destroyed by Hurricane Florence.

The funds allocated to the Golden L.E.A.F. in this subdivision are not subject to G.S. 143C-6-23(d).
- (5) \$5,000,000 to the Department of Agriculture and Consumer Services, Division of Soil and Water Conservation for stream debris removal.
- (6) \$5,200,000 to Elizabeth City State University for repairs to academic and residential buildings impacted by Hurricane Dorian.
- (7) \$1,700,000 to the Department of Public Instruction as a directed grant to Hyde County for repairs to the Ocracoke School necessitated by Hurricane Dorian.
- (8) \$1,800,000 to the Office of State Budget and Management to provide a directed grant to Hyde County for construction of a pump station and related watershed restoration infrastructure for the Lake Mattamuskeet watershed.
- (9) \$50,000 to the Department of Environmental Quality for repair, restoration, and related environmental disaster recovery activities at the Department's Coastal Reserves.
- (10) \$500,000 to the Wildlife Resources Commission for two grant programs to be administered by the Outdoor Heritage Advisory Council.

SECTION 1.3.(a) Other Disaster Relief and Resiliency Appropriations/Recurring Funds. – In addition to any other funds appropriated during the 2019-2021 fiscal biennium, the sum of one million eight hundred fifty-seven thousand eight hundred thirteen dollars (\$1,857,813) in recurring funds is appropriated from the General Fund to the Department of Public Safety for the 2019-2020 fiscal year and the sum of two million two hundred fifty-three

thousand one hundred twenty-five dollars (\$2,253,125) in recurring funds is appropriated for the 2020-2021 fiscal year to be allocated as follows:

- (1) \$250,000 in recurring funds in each year of the 2019-2021 fiscal biennium for a grant to the United Way of North Carolina, a nonprofit organization, to support operations of the NC 2-1-1 program.
- (2) \$107,813 in recurring funds in the 2019-2020 fiscal year allocated to the Division of Emergency Management for three additional full-time equivalent positions and \$503,125 in recurring funds and seven full-time equivalent positions in the 2020-2021 fiscal year. The positions shall be used to support the management of federal grants and other Division operations. The positions funded during the 2019-2020 fiscal year are effective January 1, 2020.
- (3) \$1,500,000 in recurring funds in each year of the 2019-2021 fiscal biennium for the long-term service contract for software and service upgrades to the Voice Interoperability Plan for Emergency Responders (VIPER) system.

SECTION 1.3.(b) Applicability and Contingency. – Section 2.1 of this act does not apply to this section. If House Bill 966, 2019 Regular Session, becomes law, this section is repealed.

SECTION 1.4. Rural Health Care Stabilization Fund Appropriation. – There is appropriated from the General Fund to the Office of State Budget and Management the sum of thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) in nonrecurring funds for the 2019-2020 fiscal year and the sum of six million six hundred three thousand dollars (\$6,603,000) in nonrecurring funds for the 2020-2021 fiscal year to be used for the Rural Health Care Stabilization Fund created in Part V of S.L. 2019-240. Sections 2.1 and 4.1 through 4.8 of this act do not apply to this section. If House Bill 966, 2019 Regular Session, becomes law, this section is repealed.

PART II. COUNTIES COVERED BY ACT

SECTION 2.1. Applicability. – Except as otherwise provided, Sections 1.1 and 1.2 of this act apply to the following North Carolina counties:

- (1) For disaster relief and recovery related to Hurricane Matthew, those counties identified in Part III of S.L. 2016-124.
- (2) For disaster relief and recovery related to Hurricane Florence or Michael, those counties identified in S.L. 2018-136 or S.L. 2019-3.
- (3) Declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Dorian.

PART III. IMPLEMENTATION OF ACT/OTHER DISASTER RECOVERY-RELATED CORRECTIONS AND MODIFICATIONS

FLEXIBILITY FOR USE OF CERTAIN FUNDS/REPORTING

SECTION 3.1.(a) Notwithstanding any other provision of law, any State agency that received funds pursuant to this act or any of the following enactments may reallocate unexpended and unobligated program funds to the same programs or purposes for damage caused by Hurricane Matthew, Florence, Michael, Dorian, or future storms:

- (1) S.L. 2016-124.
- (2) S.L. 2017-119.
- (3) Section 5.6 of S.L. 2018-5.
- (4) S.L. 2018-134.
- (5) S.L. 2018-136.
- (6) S.L. 2018-138.
- (7) S.L. 2019-3.

(8) S.L. 2019-224.

SECTION 3.1.(b) Any State agency that reallocates funds pursuant to subsection (a) of this section shall report, at least 30 days prior to the reallocation, to the chairs of the Senate Appropriations/Base Budget Committee, the chairs of the House of Representatives Appropriations Committee, and the Fiscal Research Division. The report shall identify all of the following:

- (1) The original funding authorization.
- (2) The original program or purpose for the use of the funds.
- (3) The amount of funds expended or obligated for the original program or purpose.
- (4) The amount of funds that remain unexpended or unencumbered.
- (5) The amount of funds to be reallocated.
- (6) The hurricane or other authorized event to which the funds are being reallocated.

SECTION 3.1.(c) For purposes of subsection (a) of this section, "State agency" includes the Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc., but the Golden L.E.A.F. is not subject to subsection (b) of this section.

SECTION 3.1.(d) This section expires when all funds appropriated under this act or any act listed in subsection (b) of this section have been expended or obligated.

USE OF PREQUALIFIED CONSTRUCTION CONTRACTORS BY LOCAL GOVERNMENTS

SECTION 3.2. G.S. 166A-19.15(f) reads as rewritten:

"(f) Additional Powers. – In carrying out the provisions of this Article each political subdivision is authorized to do the following:

- (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property, including emergency assistance, consistent with this Article.
- (1a) To award contracts for the repair, rehabilitation, or construction of private residential structures funded by State or federal funds provided to the political subdivision as a result of a disaster declared by the Governor under G.S. 166A-19.21 covering the political subdivision. For purposes of contracts awarded under this subdivision for a particular disaster, a political subdivision is authorized to contract with contractors prequalified by the Division in accordance with G.S. 143-135.8 for that disaster. In so contracting, the political subdivision is not required to follow the procedures for prequalifying contractors set forth in G.S. 143-135.8. Nothing in this subdivision is intended to exempt a political subdivision from other requirements of Article 8 of Chapter 143 of the General Statutes.

...."

COMMUNITY DEVELOPMENT BLOCK GRANT FOR DISASTER RECOVERY MODIFICATION

SECTION 3.3. Section 5.11(a) of S.L. 2016-124 reads as rewritten:

"**SECTION 5.11.(a)** Notwithstanding any other provision of law, all Community Development Block Grant Disaster Recovery ~~Program funds awards~~ received by the ~~Department of Commerce~~ State in response to the declarations and executive orders described in Section 3.1 of this act, or in any subsequent federally declared disasters, shall be transferred to the Emergency Management Division of the Department of Public Safety administered by the North Carolina Office of Recovery and Resiliency of the Department of Public Safety, including

circumstances where the designated grantee is an agency other than the North Carolina Office of Recovery and Resiliency."

COMMUNITY COLLEGE OFFSET

SECTION 3.4. Notwithstanding any provision of S.L. 2018-136 or the Committee Report described in Section 6.1 of that act to the contrary, funds allocated to the Community Colleges System Office in Section 4.1 of S.L. 2018-136 may be used to offset a receipt shortfall due to enrollment declines caused by Hurricane Florence.

MODIFICATIONS TO DISASTER RECOVERY RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON PROGRAM EVALUATION

SECTION 3.5.(a) G.S. 166A-19.11 reads as rewritten:

"§ 166A-19.11. Powers of the Secretary of Public Safety.

The Secretary shall be responsible to the Governor for State emergency management activities. The Secretary shall have the following powers and duties as delegated by the Governor:

- ...
- (3a) To notify the Director of the Budget, the Office of the Governor, the chairs of the House of Representatives and Senate Appropriations Committees, the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety, the Fiscal Research Division, and any other State entities deemed necessary of the potential for using Community Development Block Grant-Disaster Recovery (CDBG-DR) funds to cover the nonfederal share of matching requirements for eligible programs at the following times:
 - a. June 1 of each year.
 - b. Within five days of a presidential disaster declaration for the State of North Carolina.
 - (3b) To report annually by December 1 to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on the amount of State funds used to pay contractors for performing CDBG-DR activities that could have been paid for using federal CDBG-DR funds during the calendar year.

...."

SECTION 3.5.(b) Article 1A of Chapter 166A of the General Statutes is amended by adding a new section to read:

"§ 166A-19.13. Data collection, reporting, use of State and federal funds.

(a) The Department of Public Safety shall establish mechanisms to regularly solicit input from entities receiving federal or State disaster recovery funds regarding ways to improve the administration of the funds and associated programs. The mechanisms may include surveys and focus groups.

(b) By December 1, 2020, the Department of Public Safety shall modify its policies and procedures for disaster recovery to do the following:

- (1) Where permitted by State law and administrative rule, require the Office of Recovery and Resiliency (Office) to use cost as a factor when awarding contracts for professional services that may be eligible for reimbursement from federal funds. Contracts subject to Article 3D of Chapter 143 of the General Statutes are exempt from this subsection.
- (2) Establish minimum competencies for staff who administer the Community Development Block Grant-Disaster Recovery (CDBG-DR) program, including experience with either traditional CDBG programs or CDBG-DR programs.

- (3) Describe how the input obtained from the mechanisms established in subsection (a) of this section will be incorporated into revisions of its policies and procedures.

(c) By January 1, 2020, the Office of Recovery and Resiliency (Office) shall develop performance metrics for all entities receiving federal or State disaster recovery funds, including the following:

- (1) Total number of projects managed overall.
- (2) Outreach and intake metrics.
- (3) Amount of disaster recovery funds spent on administrative activities.
- (4) Amount of disaster recovery funds disbursed on behalf of recipients."

SECTION 3.5.(c) Section 5.8 of S.L. 2018-136, as amended by Section 2.14(a) of S.L. 2018-138, reads as rewritten:

"SECTION 5.8.(a) Beginning January 1, 2019, the Office of Recovery and Resiliency (Office) shall provide separate quarterly reports to the Director of the Budget, the standing Appropriations Committees of the Senate and the House of Representatives, and the Fiscal Research Division on the use of disaster recovery and assistance funds expended from the Hurricane Florence Recovery Fund ~~and from Fund~~, the State Emergency Response and Disaster Relief Fund for Hurricane ~~Matthew~~-Matthew, and funds appropriated for disaster relief for Hurricane Dorian. The separate reports shall summarize oversight activities and the results achieved as well as all the following:

- (1) Expenditures by program and by source of funds.
- (2) Expenditures required to receive federal grants.
- (3) Federal funding provided to the State to refund certain federally related spending.
- (4) Actual and projected State spending data including time lines and milestones.
- (5) Total State spending data by agency and by program.
- (6) Total State spending by program and county, where practicable.
- (7) Location and job responsibilities of all time-limited State positions created under this act or paid for with federal funds received as a result of Hurricane Florence.

"SECTION 5.8.(a1) Beginning January 1, 2020, the Office shall provide quarterly reports to the Director of the Budget, the standing Appropriations Committees of the Senate and the House of Representatives, and the Fiscal Research Division on the use of Community Development Block Grant-Disaster Recovery funds expended starting December 1, 2019, and thereafter. The reports shall include the following performance metrics:

- (1) Average time-cycle by process step, including from application to fund distribution, by county where practicable.
- (2) Number of projects by process step and managed overall, by county where practicable.
- (3) Average cost per project, excluding the infrastructure program, by county where practicable.
- (4) Outreach and intake metrics by county where practicable.
- (5) Amount and percentage of disaster recovery funds spent on administrative activities.
- (6) Amount and percentage of disaster recovery funds disbursed on behalf of recipients.
- (7) Additional performance metrics developed by the Office.

"SECTION 5.8.(a2) Beginning January 1, 2020, the Office shall provide separate quarterly reports to the Director of the Budget, the standing Appropriations Committees of the Senate and the House of Representatives, and the Fiscal Research Division on the use of disaster recovery and assistance funds, other than Community Development Block Grant-Disaster Recovery funds,

expended starting December 1, 2019, and thereafter from the Hurricane Florence Recovery Fund and from the State Emergency Response and Disaster Relief Fund for Hurricane Matthew. The separate reports shall include the following performance metrics:

- (1) The average number of days from application to fund distribution, project commencement, and project completion, where applicable and practicable.
- (2) Average cost per project, by county where practicable.
- (3) Amount and percentage of disaster recovery funds spent on administrative activities.
- (4) Amount and percentage of disaster recovery funds obligated for administrative activities.
- (5) Amount and percentage of disaster recovery funds disbursed on behalf of recipients.
- (6) Amount and percentage of disaster recovery funds obligated on behalf of recipients.
- (7) Number of individuals, households, entities, or other unit served, by county where practicable.

The separate reports shall provide the performance metrics for each funding stream, where practicable.

"**SECTION 5.8.(b)** In addition to the quarterly reports required under subsection ~~(a)~~ subsections (a), (a1), and (a2) of this section and beginning January 1, 2020, the Office shall provide annual reports that compile the information contained in the quarterly reports. The annual reports shall be submitted to the entities required under subsection (a) of this section.

"**SECTION 5.8.(c)** Each report required by this section shall include information about all funds expended or encumbered pursuant to this act or any other act providing funds to address the impacts of Hurricanes ~~Matthew and Florence~~, Matthew, Florence, Michael, and Dorian, regardless of which State agency or non-State entity administers the funds. State agencies and non-State entities that administer or receive any funds appropriated in this act shall assist and fully cooperate with the Office of Recovery and Resiliency in meeting the Office's obligations under this section."

SECTION 3.5.(d) The Office of Recovery and Resiliency (Office) shall make recommendations regarding the staffing levels that are necessary to do the following:

- (1) Administer the Community Development Block Grant-Disaster Recovery (CDBG-DR) program during times when the Office is administering CDBG-DR funds.
- (2) Administer the CDBG-DR program during times when the Office is not administering CDBG-DR funds.
- (3) Maintain a base-level of staff to provide resiliency planning and coordination, provide continuous required disaster recovery functions, and ensure the State is adequately prepared to expand its disaster recovery efforts in the event of future natural disasters.
- (4) Expand from a base-level of staff to provide necessary functions immediately following a natural disaster.

SECTION 3.5.(e) For each recommendation required under subsection (d) of this section, the Office shall include the class and number of temporary or permanent full-time equivalent positions. For each position, the Office shall include an explanation of the necessity for the position to be permanent if applicable, the funding source of the position, and a job description of the position with corresponding salary requirements. The Office shall report the recommendations to the chairs of the House of Representatives and Senate Appropriations Committees, the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by March 1, 2020.

SECTION 3.5.(f) The Joint Legislative Program Evaluation Oversight Committee shall include in the biennial work plan of the Program Evaluation Division an evaluation of the Department of Public Safety's coordination with nonprofit organizations for disaster recovery planning. The Program Evaluation Division shall submit its evaluation to the Joint Legislative Program Evaluation Oversight Committee and to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety.

CORRECTION TO 2019 DISASTER RECOVERY ACT

SECTION 3.6.(a) Section 1.1 of S.L. 2019-224 reads as rewritten:

"**SECTION 1.1.** Transfer from Hurricane Florence Disaster Recovery Reserve. – The State Controller shall transfer the sum of ~~ninety-four million one hundred three thousand dollars (\$94,103,000)~~ eighty-nine million one hundred three thousand dollars (\$89,103,000) in nonrecurring funds for the 2019-2020 fiscal year from the Hurricane Florence Disaster Recovery Reserve in the General Fund to the Hurricane Florence Disaster Recovery Fund created in S.L. 2018-134, and these funds are appropriated within the Fund and shall be allocated as provided in Part II of this act."

SECTION 3.6.(b) This section becomes effective July 1, 2019.

MODIFICATIONS TO FLOOD INSURANCE PILOT

SECTION 3.7.(a) Section 2.1 of S.L. 2019-224 reads as rewritten:

"**SECTION 2.1.** Allocations. – The funds appropriated and reallocated in Part I of this act in the Hurricane Florence Disaster Recovery Fund shall be allocated as follows:

...
(7) \$6,000,000 to the Department of Public Safety, Division of Emergency Management to be used as follows:

...
d. \$2,000,000 to develop a pilot program to help pay for the cost of up to two years' flood insurance for eligible applicants and eligible properties. Subject to the eligibility requirements contained in this sub-subdivision, when awarding funds, the Division shall give priority to applicants and subject properties in the most impacted and distressed counties as determined by the United States Department of Housing and Urban Development for Hurricane Matthew, Hurricane Florence, or both. In order to be eligible for funds under the pilot program, all of the following shall apply:

1. The applicant earned no more than eighty percent (80%) of the subject area median income during the preceding calendar year ~~and has not received flood insurance for the subject property from any federal program, including by the Community Development Block Grant Disaster Recovery or the Federal Emergency Management Agency (FEMA) Housing Assistance Program year.~~
2. The subject property is the applicant's primary ~~residence, is insurable, and has experienced a repetitive loss as that term is defined by FEMA.~~ residence and is insurable.

..."
SECTION 3.7.(b) This section becomes effective July 1, 2019.

CLARIFY DOT REPORTING REQUIREMENTS

SECTION 3.8. Effective May 16, 2019, Section 3 of S.L. 2019-15 reads as rewritten:

"SECTION 3. Transfer from the Office of State Budget and Management. – Of the funds allocated to the Department under Section 4.1 of S.L. 2018-136, the Office of State Budget and Management shall transfer the remaining sum to the Fund. The reporting requirements contained in S.L. 2018-136 and S.L. 2018-138 continue to apply to these funds and any other funds, whether State or federal, the Department receives or expends for the purpose of disaster recovery, relief, or resiliency."

PART IV. MISCELLANEOUS

REIMBURSEMENT FOR FUNDS PROVIDED UNDER THIS ACT

SECTION 4.1. A recipient of State funds under this act shall use best efforts and take all reasonable steps to obtain alternative funds that cover the losses or needs for which the State funds are provided, including funds from insurance policies in effect and available federal aid. State funds paid under this act are declared to be excess over funds received by a recipient from the settlement of a claim for loss or damage covered under the recipient's applicable insurance policy in effect. Further, each institution of higher education and non-State entity that receives State funds under this act shall also seek private donations to help cover the losses or needs for which these State funds are provided.

ADDITIONAL LIMITATIONS ON USE OF FUNDS

SECTION 4.2.(a) The Governor shall ensure that funds appropriated in this act are expended in a manner that does not adversely affect any person's or entity's eligibility for federal funds that are made available, or that are anticipated to be made available, as a result of Hurricane Florence. The Governor shall also, to the extent practicable, avoid using State funds to cover costs that will be, or likely will be, covered by federal funds.

SECTION 4.2.(b) The Governor may not use the funds described in this act to make reallocations under G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the Governor from exercising the Governor's authority under this statute with respect to funds other than those described in this act.

INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES

SECTION 4.3. It is the intent of the General Assembly that, during this time of rebuilding and relief efforts, each State agency should strive to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise.

LEGISLATIVE REVIEW OF FEDERAL FUNDING AND REMAINING UNMET NEEDS

SECTION 4.4. It is the intent of the General Assembly to review the funds appropriated by Congress for disaster relief and to consider actions needed to address any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy of the measures funded by this act at that time.

PROHIBITION ON USE OF STATE FUNDS TO CONSTRUCT CERTAIN RESIDENCES

SECTION 4.5.(a) No State funds appropriated in this act may be expended for the construction of any new residence within the 100-year floodplain unless the construction is in an area regulated by a unit of local government pursuant to a floodplain management ordinance and the construction complies with the ordinance. For purposes of this act, the term "100-year floodplain" means any area subject to inundation by the one percent (1%) annual chance flood

event, as indicated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency under the National Flood Insurance Program.

SECTION 4.5.(b) Homeowners in the 100-year floodplain who receive homeowner's housing assistance pursuant to this act shall have in effect federal flood insurance, if available, as a precondition to receipt of State homeowner's housing assistance for losses resulting from future flooding.

SECTION 4.5.(c) Funds loaned to small and mid-sized businesses shall be used only for eligible purposes under the Small Business Administration (SBA) disaster loan assistance program, as described in the federal disaster declarations designated by the SBA as NC-00111. Payments for economic losses shall be limited to documented business expenses necessary for the continued operation of the business.

EACH APPROPRIATION AND ALLOCATION IS MAXIMUM AND CONDITIONAL

SECTION 4.6. The appropriations and allocations made in this act are for maximum amounts necessary to implement this act. Savings shall be effected where the total amounts appropriated or allocated are not required to implement this act.

APPROPRIATION OF FEDERAL FUNDS

SECTION 4.7. Appropriation/Federal Funds. – Funds received on or after September 1, 2019, for federal disaster assistance programs for State disasters as a result of Hurricane Dorian are appropriated in the amounts provided in the notifications of award from the federal government or any entity acting on behalf of the federal government to administer federal disaster recovery funds. The Office of State Budget and Management and affected State agencies shall report all notifications of award to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the General Assembly.

DIRECTED GRANTS TO NON-STATE ENTITIES

SECTION 4.8.(a) Definitions. – For purposes of this act, the following definitions apply:

- (1) Directed grant. – Nonrecurring funds allocated by a State agency to a non-State entity as directed by an act of the General Assembly.
- (2) Non-State entity. – As defined in G.S. 143C-1-1.

SECTION 4.8.(b) Requirements. – Nonrecurring funds appropriated in this act as directed grants are subject to all of the following requirements:

- (1) Directed grants are subject to the provisions of subsections (b) through (k) of G.S. 143C-6-23.
- (2) Directed grants of one hundred thousand dollars (\$100,000) or less may be made in a single annual payment in the discretion of the Director of the Budget. Directed grants of more than one hundred thousand dollars (\$100,000) shall be made in quarterly or monthly payments in the discretion of the Director of the Budget. A State agency administering a directed grant shall begin disbursement of funds to a non-State entity that meets all applicable requirements as soon as practicable, but no later than 100 days after the date this act becomes law.
- (3) Beginning on the first day of a quarter following the deadline provided in subdivision (2) of this subsection and quarterly thereafter, State agencies administering directed grants shall report to the Fiscal Research Division on the status of funds disbursed for each directed grant until all funds are fully disbursed. At a minimum, the report required under this subdivision shall include updates on (i) the date of the initial contact, (ii) the date the contract was sent to the entity receiving the funds, (iii) the date the disbursing agency

received the fully executed contract back from the entity, (iv) the contract execution date, and (v) the payment date.

- (4) Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary, nonrecurring funds appropriated in this act as directed grants shall not revert until June 30, 2021.
- (5) Directed grants to nonprofit organizations are for nonsectarian, nonreligious purposes only.

SECTION 4.8.(c) This section expires on June 30, 2021.

PART V. VARIOUS CHANGES TO BUDGET MATTERS

CORRECTIONS TO BASE BUDGET

SECTION 5.1.(a) Section 2.1 of S.L. 2019-242 is repealed.

SECTION 5.1.(b) S.L. 2019-242 is amended by adding a new section to read:

"**SECTION 2.1A.** The General Fund availability derived from State tax revenue, nontax revenue, and other adjustments used in developing the budget for each year of the 2019-2021 fiscal biennium is as follows:

	FY 2019-2020	FY 2020-2021
Unappropriated Balance	645,592,678	2,356,664,283
Actual and Anticipated Reversions	287,029,354	200,000,000
Over Collections	896,662,617	-
Highway Fund Recovery Act (S.L. 2019-15)	(120,000,000)	-
Total, Prior Year-End Fund Balance	1,709,284,649	2,556,664,283
Tax Revenues		
Personal Income	13,110,400,000	13,700,300,000
Sales and Use	8,141,200,000	8,486,500,000
Corporate Income	732,600,000	787,600,000
Franchise	749,700,000	769,900,000
Insurance	565,300,000	579,800,000
Alcoholic Beverage	411,500,000	425,700,000
Tobacco Products	256,200,000	254,900,000
Other Tax Revenues	132,700,000	136,400,000
Subtotal, Tax Revenues	24,099,600,000	25,141,100,000
Non-tax Revenues		
Judicial Fees	228,800,000	225,300,000
Investment Income	167,200,000	168,300,000
Disproportionate Share	165,300,000	130,000,000
Master Settlement Agreement	136,200,000	131,800,000
Insurance	87,800,000	90,100,000
Other Non-tax Revenues	202,800,000	204,300,000
Subtotal, Non-tax Revenues	988,100,000	949,800,000
Total, Net Revenues	25,087,700,000	26,090,900,000
Adjustment to Tax Revenue: 2019 Session		
Extend Tax Credits/Other Finance Changes (S.L. 2019-237)	(3,900,000)	(16,500,000)
Various Finance Law Changes (S.L. 2019-246)	(15,300,000)	(41,200,000)
Subtotal, Adjustments to Tax Revenue	(19,200,000)	(57,700,000)

Reservations of Tax Revenue		
Savings Reserve	(36,555,000)	(150,450,000)
Subtotal, Statutory Reservations of Revenue	(36,555,000)	(150,450,000)
Other Adjustments to Availability		
Adjustment to Transfer from Department of Insurance	1,249,541	2,700,421
Adjustment to Transfer from State Treasurer	41,913	91,132
NC G.R.E.A.T. Program Funding (S.L. 2019-230)	(15,000,000)	(15,000,000)
Subtotal, Other Adjustments to Availability	(13,708,546)	(12,208,447)
Revised Total Net General Fund Availability	26,727,521,103	28,427,205,836
General Fund Appropriations		
2019 Storm Recovery/Various Budget Corrections (House Bill 200, 2019 Regular Session)	(74,304,813)	(8,856,125)
Ensuring Authorization of Federal Funds (S.L. 2019-192, as amended)	6,023,842	15,223,842
Salary Increases/Adult Correctional Employees (S.L. 2019-208)	(35,914,734)	(56,829,468)
Pay Increases/State Employees (S.L. 2019-209)	(239,220,554)	(572,705,157)
Pay Increases/State Highway Patrol (S.L. 2019-210)	(3,600,000)	(7,200,000)
Pay Increases/SBI & ALE (S.L. 2019-211)	(2,680,000)	(3,360,000)
Standing Up for Rape Victims Act of 2019 (S.L. 2019-221)	(3,000,000)	(3,000,000)
School Safety Funds, Programs, and Reports (S.L. 2019-222)	(38,833,333)	(29,800,000)
Prison Safety/TANF State Plan/Clarifications (S.L. 2019-223)	(4,471,149)	-
Raise the Age Funding (S.L. 2019-229, as amended)	(28,878,616)	(43,402,450)
Community Colleges Budget/2019-2021 Biennium (S.L. 2019-235, as amended)	(28,216,988)	(25,436,606)
Combat Absentee Ballot Fraud (S.L. 2019-239, as amended)	(1,156,004)	(44,923)
2019-2021 Base Budgets/Certain Agencies (S.L. 2019-242)	(23,900,304,471)	(23,981,490,408)
Teacher Step Act (S.L. 2019-247)	(16,300,000)	(16,300,000)
Subtotal, General Fund Appropriations	(24,370,856,820)	(24,733,201,295)
Unappropriated Balance Remaining	2,356,664,283	3,694,004,541"

SECTION 5.1.(c) Section 3.6(b) of S.L. 2019-242 is amended by adding a new subdivision to read:

"(5) The Director of the Budget shall ensure the prompt payment of the principal and interest on bonds and notes of the State according to their terms."

STATE BOARD OF ELECTIONS BUDGET CORRECTIONS

SECTION 5.2.(a) Section 5.1 of S.L. 2019-239 reads as rewritten:

"**SECTION 5.1.** The appropriations made in this Part and S.L. 2019-209-act, S.L. 2019-209, S.L. 2019-242, and any other legislation enacted during the 2019-2021 fiscal biennium expressly making appropriations to the State Board of Elections are for maximum amounts necessary to

provide the services and accomplish the purposes described in the budget for the State Board of Elections in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law."

SECTION 5.2.(b) Section 5.2 of S.L. 2019-239 reads as rewritten:

"SECTION 5.2. Appropriations-In addition to the appropriations set forth in S.L. 2019-209, S.L. 2019-242, and any other legislation enacted during the 2019-2021 fiscal biennium expressly appropriating funds to the State Board of Elections, appropriations from the General Fund for the budget of the State Board of Elections are made for the fiscal biennium ending June 30, 2021, as follows:

...."

SECTION 5.2.(c) Section 5.7 of S.L. 2019-239 is rewritten to read:

"**SECTION 5.7.** There is appropriated from the State Board of Elections Special Fund (28025) the sum of three million dollars (\$3,000,000) on a nonrecurring basis in each year of the 2019-2021 fiscal biennium to modernize the Statewide Elections Information Management System."

COMMUNITY COLLEGE CORRECTIONS

SECTION 5.3.(a) Section 1.1 of S.L. 2019-235 reads as rewritten:

"SECTION 1.1. The appropriations made in this act and S.L. 2019-209 act, S.L. 2019-209, S.L. 2019-242, and any other legislation enacted during the 2019-2021 fiscal biennium expressly appropriating funds to the Community College System are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget for the Community College System in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law."

SECTION 5.3.(b) Section 1.2 of S.L. 2019-235 reads as rewritten:

"SECTION 1.2. In addition to the appropriations set forth in S.L. 2019-209 S.L. 2019-209, 2019-242, and any other legislation enacted during the 2019-2021 fiscal biennium expressly appropriating funds for the Community College System, appropriations from the General Fund for the budget of the Community College System are made for the fiscal biennium ending June 30, 2021, as follows:

...."

SECTION 5.3.(c) Section 2.1(16) of S.L. 2019-235 reads as rewritten:

"(16) Workforce-Focused Multicampus Centers (Fund Code 1625) – ~~Two million two hundred sixty-six thousand four hundred forty-eight dollars (\$2,266,448)~~ Two million two hundred twenty-six thousand three hundred forty-eight dollars (\$2,226,348) in recurring funds for each fiscal year of the 2019-2021 fiscal biennium to support four approved multicampus sites as follows: Forsyth Tech Transportation Campus, RTP Campus of Wake Technical Community College, the Scotland County Campus of Richmond Community College, and the Aviation Campus of Guilford Technical Community College."

INCLUDE POWELL BILL FUNDS IN DEPARTMENT OF TRANSPORTATION BUDGET

SECTION 5.4.(a) S.L. 2019-231 is amended by adding a new section to read:

"ADDITIONAL POWELL BILL FUNDS FOR SMALLER MUNICIPALITIES

SECTION 4.4A. The additional sum of seven million three hundred seventy-five thousand dollars (\$7,375,000) in recurring funds appropriated in this act for the 2020-2021 fiscal year to the Department of Transportation for the Powell Bill Program (Fund Code 7836) shall be allocated in accordance with the requirements of G.S. 136-41.1(a) only to municipalities with a population of 200,000 or less according to the most recent federal decennial census completed as of the effective date of this section. Nothing in this section shall be construed as (i) prohibiting municipalities eligible for funds under this section from being eligible for recurring funds appropriated in this act to the Department of Transportation for the State Aid–Powell Bill Fund or (ii) otherwise modifying the allocation of recurring funds appropriated in this act to the Department of Transportation for the State Aid–Powell Bill Fund."

SECTION 5.4.(b) If House Bill 966, 2019 Regular Session, becomes law, Section 40.4 of that act is repealed.

DEPARTMENT OF REVENUE CONTINGENCY

SECTION 5.5. If House Bill 966, 2019 Regular Session, becomes law, then Section 8 of S.L. 2019-237 is repealed.

CONTINGENT REPEAL OF CERTAIN FINANCE PROVISIONS

SECTION 5.6. If House Bill 966, 2019 Regular Session, becomes law, Sections 41.4, 41.5, and 41.10 of that act are repealed.

STATE FUNDS/REQUIRE DEPOSIT IN STATE TREASURY

SECTION 5.7.(a) Article 6 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"§ 147-76.1. Require deposit into the State treasury of funds received by the State.

(a) Definition. – For purposes of this section, the term "cash gift or donation" means any funds provided, without valuable consideration, to the State, for use by the State, or for the benefit of the State.

(b) Requirement. – Except as otherwise specifically provided by law, all funds received by the State, including cash gifts and donations, shall be deposited into the State treasury. Nothing in this subsection shall be construed as exempting from the requirement set forth in this subsection funds received by a State officer or employee acting on behalf of the State.

(c) Terms Binding. – Except as otherwise provided by subsection (b) of this section, the terms of an instrument evidencing a cash gift or donation are a binding obligation of the State. Nothing in this section shall be construed to supersede, or authorize a deviation from the terms of an instrument evidencing a gift or donation setting forth the purpose for which the funds may be used."

SECTION 5.7.(b) G.S. 147-83 reads as rewritten:

"§ 147-83. Receipts from federal government ~~and gifts not affected.~~

General Statutes 147-77, 147-78, 147-80, 147-81, 147-82, 147-83 and 147-84 shall not be held or construed to affect or interfere with the receipts and disbursements of any funds received by any institution or department of this State from the federal government ~~or any gift or donation to any institution or department of the State or commission or agency thereof~~ when either in the act of Congress, relating to such funds received from the federal government, ~~or in the instrument evidencing the said private donation or gift,~~ a contrary disposition or handling is prescribed or required, and the said sections shall not apply to any moneys paid to any department, institution or agency, or undertaking of the State of North Carolina, as a part of any legislative appropriation, or allotment from any contingent fund, as provided by law, after the same has been paid out of the State treasury."

SECTION 5.7.(c) This section becomes effective July 1, 2019, and applies to funds received on or after that date.

DEPARTMENTAL POSITION TRANSFERS SUBJECT TO STATE BUDGET ACT

SECTION 5.8. G.S. 143B-10(c) reads as rewritten:

"(c) Department Staffs. – The head of each principal State department may establish necessary subordinate positions within ~~his~~the department, make appointments to those positions, and remove persons appointed to those positions, all within the limitations of appropriations and subject to the State Budget Act and the North Carolina Human Resources Act. All employees within a principal State department shall be under the supervision, direction, and control of the head of that department. The head of each principal State department may establish or abolish positions, transfer officers and employees between positions, and change the duties, titles, and compensation of existing offices and positions as ~~he~~the head of the department deems necessary for the efficient functioning of the department, subject to the State Budget Act and the North Carolina Human Resources Act and the limitations of available appropriations. For the purposes of the foregoing provisions, a member of a board, commission, council, committee, or other citizen group shall not be considered an "employee within a principal department. Nothing in this subsection shall be construed as authorizing the transfer of officers and employees between departments without express authorization of the General Assembly."

STATE BUDGET ACT AMENDMENTS

SECTION 5.9.(a) G.S. 143C-1-3(a) reads as rewritten:

"(a) Types. – The Controller shall account for State resources through use of the fund types listed in this subsection. The Controller may not establish a fund type that differs from the listed fund types unless the Governmental Accounting Standards Board has approved the use of the different fund type.

The fund types are described as follows, except that where a conflict exists between a description used in this section and the definition of the corresponding fund type issued by the Governmental Accounting Standards Board, it is presumed that the definition issued by the Governmental Accounting Standards Board shall prevail.

Governmental Funds.

- (1) Capital Projects Funds. – Accounts for financial resources to be used for the acquisition or construction of major capital facilities other than those financed by proprietary funds or ~~in trust funds for individuals, private organizations, or other governments.~~ fiduciary funds. Capital outlays financed from general obligation bond proceeds should be accounted for through a capital projects fund.
- (2) Debt Service Funds. – Accounts for the accumulation of resources for, and the payment of, general long-term debt principal and interest.
- (3) General Fund. – Accounts for all financial resources except those required to be reported in another fund.
- (4) Special Revenue Funds. – Accounts for the proceeds of specific revenue sources, other than ~~trusts for individuals, private organizations, or other governments~~ debt service or for major capital projects, that are legally restricted to expenditure for specified purposes.
- (5) Permanent Funds. – Accounts for resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes that support the reporting government's programs.

Proprietary Funds.

- (6) Enterprise Funds. – Accounts for any activity for which a fee is charged to external users for goods or services. Activities are required to be reported as enterprise funds if any one of the following criteria is met. Each of these

criteria should be applied in the context of the activity's principal revenue sources.

- a. The activity is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity.
- b. Laws or regulations require that the activity's costs of providing services, including capital costs, be recovered with fees and charges rather than with taxes or similar revenues.
- c. The pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs.

(7) Internal Service Funds. – Accounts for any activity that provides goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis. Internal service funds should be used only if the reporting government is the predominant participant in the activity. Otherwise, the activity should be reported as an enterprise fund.

~~Agency and Trust~~ Fiduciary Funds.

(8) ~~Agency Custodial~~ Funds. – Accounts for resources held by the reporting government in a purely custodial capacity. ~~Agency funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments.capacity.~~ Custodial funds are fiduciary activities that are not required to be reported in investment trust funds, pensions and other employee benefit trust funds, and private-purpose trust funds, as described in this section.

(9) Investment Trust Funds. – Accounts for the external portion of investment pools reported by the sponsoring government.

(10) Pension and Other Employee Benefit Trust Funds. – Accounts for resources that are required to be held in trust for ~~the members and beneficiaries of defined benefit pension plans, defined contribution plans, other postemployment benefit plans, or other employee benefit plans.pension plans,~~ other postemployment benefit plans, and other employee benefit plans that meet certain Governmental Accounting Standards Board (GASB) criteria.

(11) Private-Purpose Trust Funds. – Accounts for all other trust arrangements ~~under which principal and income benefit individuals, private organizations, or other governments.that are not required to be reported in investment trust funds and pension and other employee benefit trust funds."~~

SECTION 5.9.(b) G.S. 143C-3-5 reads as rewritten:

"§ 143C-3-5. Budget recommendations and budget message.

(a) Budget Proposals. – The Governor shall present budget recommendations, consistent with G.S. 143C-3-1, 143C-3-2, and 143C-3-3 to each regular session of the General Assembly at a mutually agreeable time to be fixed by joint resolution.

(b) Odd-Numbered Years. – In odd-numbered years the budget recommendations shall include the following components:

- (1) A Recommended State Budget setting forth goals for improving the State with recommended expenditure requirements, funding sources, and performance information for each State government program and for each proposed capital improvement. The Recommended State Budget may be presented in a format chosen by the Director, except that the Recommended State Budget shall clearly distinguish program base budget requirements, program reductions, program eliminations, program expansions, and new programs, and shall explain all proposed capital improvements in the context of the Six-Year Capital Improvements Plan and as required by G.S. 143C-8-6.

- (1a) The Governor's Recommended State Budget shall include a base budget, which shall be presented ~~in the budget support document~~ pursuant to subdivision (2) of this subsection.
- (2) A ~~Budget Support Document~~ Recommended Base Budget showing, for each budget code and purpose or program in State government, accounting detail corresponding to the Recommended State Budget.
- a. The ~~Budget Support Document~~ Recommended Base Budget shall employ the North Carolina Accounting System Uniform Chart of Accounts adopted by the State Controller to show both uses and sources of funds and shall display in separate parallel columns all of the following: (i) actual expenditures and receipts for the most recent fiscal year for which actual information is available, (ii) the certified budget for the preceding fiscal year, (iii) the currently authorized budget for the preceding fiscal year, (iv) program base budget requirements for each fiscal year of the biennium, (v) proposed expenditures and receipts for each fiscal year of the biennium, and (vi) proposed increases and decreases.
- b. The ~~Budget Support Document~~ Recommended Base Budget shall include detailed information on recommended expenditures for capital improvements as required by G.S. 143C-8-6.
- c. The ~~Budget Support Document~~ Recommended Base Budget shall include accurate projections of receipts, expenditures, and fund balances. Estimated receipts, including tuition collected by university or community college institutions, shall be adjusted to reflect actual collections from the previous fiscal year, unless the Director recommends a change that will result in collections in the budget year that differ from prior year actuals, or the Director otherwise determines there is a more reasonable basis upon which to accurately project receipts. Revenue and expenditure detail provided in the Budget Support Document shall be no less detailed than the two-digit level in the North Carolina Accounting System Uniform Chart of Accounts as prescribed by the State Controller.
- d. The ~~Budget Support Document~~ Recommended Base Budget shall clearly identify all proposed expenditures supported by existing or proposed appropriations, including statutory appropriations.
- (3) A recommended Current Operations Appropriations Act that makes appropriations for each fiscal year of the upcoming biennium for the operating and capital expenses of all State agencies as contained in the Recommended State Budget.
- (4) The biennial State Information Technology Plan as outlined in Part 2 of Article 15 of Chapter 143B of the General Statutes to be consistent in facilitating the goals outlined in the Recommended State Budget.
- (5) A list of budget adjustments made during the prior fiscal year pursuant to G.S. 143C-6-4 that are included in the proposed base budget for the upcoming fiscal year. The list of budget adjustments shall identify the revision number, revision type, revision title, the purpose or programs affected, and the amount of funds moving between the purpose or programs.
- (6) The Governor's Recommended State Budget shall include a transfer to the Savings Reserve of fifteen percent (15%) of the estimated growth in State tax revenues that are deposited in the General Fund for each fiscal year of the upcoming biennium. This subdivision applies only if, and to the extent that,

the balance of the Savings Reserve remains below the recommended Savings Reserve balance developed pursuant to G.S. 143C-4-2(f).

- (7) The Governor's Recommended State Budget shall include a transfer to the State Capital and Infrastructure Fund of four percent (4%) of the estimated net State tax revenues that are deposited in the General Fund for each fiscal year of the upcoming biennium.

(c) Even-Numbered Years. – In even-numbered years, the Governor may recommend changes in the enacted budget for the second year of the biennium. These recommendations shall be presented as amendments to the enacted budget and shall be incorporated in a recommended Current Operations Appropriations Act. Any recommended changes shall clearly distinguish program reductions, program eliminations, program expansions, and new programs, and shall explain all proposed capital improvements in the context of the Six-Year Capital Improvements Plan and as required by G.S. 143C-8-6. The Governor shall provide sufficient supporting documentation and accounting detail, consistent with that required by G.S. 143C-3-5(b), corresponding to the recommended amendments to the enacted budget.

(d) Funds Included in Budget. – Consistent with requirements of the North Carolina Constitution, Article 5, Section 7(1), the Governor's Recommended State Budget, together with the Recommended Base Budget and Recommended Capital Improvements Budget Support Document, shall include recommended expenditures of State funds from all Governmental and Proprietary Funds, as those funds are described in G.S. 143C-1-3, and all funds established for The University of North Carolina and its constituent institutions that are subject to this Chapter. Except where provided otherwise by federal law, funds received from the federal government become State funds when deposited in the State treasury and shall be classified and accounted for in the Governor's budget recommendations no differently than funds from other sources.

(e) Availability Estimates. – The recommended Current Operations Appropriations Act shall contain a statement showing the estimates of General Fund availability, Highway Fund availability, and Highway Trust Fund availability upon which the Recommended State Budget is based.

(f) Budget Message. – The Governor's budget recommendations shall be accompanied by a written budget message that does all of the following:

- (1) Explains the goals embodied in the recommended budget.
- (2) Explains important features of the activities anticipated in the budget.
- (3) Explains the assumptions underlying the statement of revenue availability.
- (4) Sets forth the reasons for changes from the previous biennium or fiscal year, as appropriate, in terms of programs, program goals, appropriation levels, and revenue yields.
- (5) Identifies anticipated sources of funding for major spending initiatives.
- (6) Prepares a fiscal analysis that addresses the State's budget outlook for the upcoming five-year period. This fiscal analysis shall include detailed estimates for five years for any proposals to create new or significantly expand programs and for proposals to create new or change existing law.

(g) Different Gubernatorial Administrations. – For years in which there will be a change in gubernatorial administrations, the incumbent Governor shall complete the budget recommendations and budget message by December 15 and deliver them to the Governor-elect."

SECTION 5.9.(c) G.S. 143C-8-6 reads as rewritten:

"§ 143C-8-6. Recommendations for capital improvements set forth in the Recommended State Budget.

(a) Budget Director's Recommendations. – The Director of the Budget shall recommend expenditures for repairs and renovations of existing facilities, and real property acquisition, new construction, or rehabilitation of existing facilities in the Recommended State Budget in accordance with G.S. 143C-3-5.

(b) Repairs and Renovations in the Recommended State Budget. – The Recommended State Budget shall contain for repairs and renovations of existing facilities: (i) the amount recommended for each State agency, (ii) a summary of the recommendations by project type, and (iii) the means of financing.

(c) Repairs and Renovations in the Recommended Capital Improvements Budget Support Document. – The Recommended Capital Improvements Budget Support Document shall contain for each repair and renovation project recommended in accordance with subsection (b) of this section: (i) a project description and justification, (ii) a detailed cost estimate, (iii) an estimated schedule for the completion of the project, and (iv) an explanation of the means of financing.

(d) Other Capital Projects in the Recommended State Budget. – The Recommended State Budget shall contain for each capital project involving real property acquisition, new construction, building area (sq. ft.) expansions, or the rehabilitation of existing facilities to accommodate new or expanded uses: (i) a project description and statement of need, (ii) an estimate of acquisition and construction or rehabilitation costs, and (iii) a means of financing the project.

(e) Other Capital Projects in the Capital Improvements Budget Support Document. – The Capital Improvements Budget Support Document shall contain for each capital project recommended in accordance with subsection (d) of this section: (i) a detailed project description and justification, (ii) a detailed estimate of acquisition, planning, design, site development, construction, contingency and other related costs, (iii) an estimated schedule of cash flow requirements over the life of the project, (iv) an estimated schedule for the completion of the project, (v) an estimate of revenues, if any, likely to be derived from the project, covering the first five years of operation, and (vi) an explanation of the means of financing.

(f) All Recommended Capital Projects. – The Director of the Budget shall ensure that recommendations in the Recommended State Budget for repairs and renovations of existing facilities, real property acquisition, new construction, or rehabilitation of existing facilities include all of the following information:

- (1) An estimate of maintenance and operating costs, including personnel, for the project, covering the first five years of operation. If no increase in these expenditures is anticipated because the recommended project would replace an existing facility, then the level of expenditures for the previous five years of operation shall be included instead.
- (2) A recommended funding source for the operating costs identified pursuant to subdivision (1) of this subsection."

WEB SITE POSTING OF REPORTS

SECTION 5.10.(a) G.S. 120-29.5 reads as rewritten:

"§ 120-29.5. State agency reports to the General Assembly.

(a) Submission. – Whenever a report is directed by law or resolution to be made to the General Assembly, the State agency preparing the report shall deliver one copy of the report to each of the following officers: the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Principal Clerk, and the Senate Principal Clerk; and two copies of the report to the Legislative Library. The State agency is encouraged to inform members of the General Assembly that an electronic copy is available. This section does not affect any responsibilities for depositing documents with the State Library or the State Publications Clearinghouse under Chapter 125 of the General Statutes.

(b) Publication. – A State agency submitting a report pursuant to subsection (a) of this section or a report directed by law or resolution to be made to a committee or subcommittee of the General Assembly shall publish the report on a public Internet Web site maintained by the State agency."

SECTION 5.10.(b) This section becomes effective January 1, 2020, and applies to reports submitted on or after that date.

STATE BUDGET ACT/CLARIFY WHAT CONSTITUTES AN APPROPRIATION

SECTION 5.11. G.S. 143C-1-2(a) reads as rewritten:

"(a) Appropriation Required to Withdraw State Funds From the State Treasury. – In accordance with Section 7 of Article V of the North Carolina Constitution, no money shall be drawn from the State treasury but in consequence of appropriations made by law. A law enacted by the General Assembly that ~~authorizes the expenditure of money expressly appropriates funds~~ from the State treasury is an appropriation; however, an enactment by the General Assembly that ~~authorizes, specifies, or otherwise provides that funds may be used for a particular~~ describes the purpose of a fund, authorizes the use of funds, allows the use of funds, or specifies how funds may be expended, is not an appropriation."

PART VI. EFFECTIVE DATE

SECTION 6.1. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of November, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 9:32 a.m. this 18th day of November, 2019

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-204
HOUSE BILL 597

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

REQUIRE PLACEMENT OF VALIDATION DECALS ON BOTH SIDES OF VESSELS

SECTION 1. G.S. 75A-5 reads as rewritten:

"§ 75A-5. **Application for certificate of number; fees; reciprocity; change of ownership; conformity with federal regulations; records; award of certificates; renewal of certificates; transfer of partial interest; destroyed or junked vessels; abandonment; change of address; duplicate certificates; display.**

(a) Application for Certificate of Number. – The owner of each vessel requiring numbering by this State shall file an application for a certificate of number with the Commission. The Commission shall furnish application forms and shall prescribe the information contained in the application form. The application shall be signed by the owner of the vessel or the owner's agent and shall be accompanied by a fee, as set out in subsection (a1) of this section. The fee does not apply to vessels owned and operated by nonprofit rescue squads if they are operated exclusively for rescue purposes, including rescue training. The owner shall have the option of selecting a one-year numbering period or a three-year numbering period. Upon receipt of the application in approved form, the Commission shall enter the application in its records and issue the owner a certificate of number stating the identification number awarded to the vessel and the name and address of the owner, and a validation decal indicating the expiration date of the certificate of number. The owner shall paint on or attach to each side of the bow of the vessel the identification number and validation decals in such manner as may be prescribed by rules of the Commission in order that it may be clearly visible. The identification number shall be maintained in legible condition. ~~The validation decal shall be displayed on the starboard bow of the vessel immediately following the number.~~ The certificate of number shall be pocket size and shall be available for inspection on the vessel for which the certificate is issued at all times the vessel is in operation. Any person charged with failing to so carry a certificate of number shall not be convicted if the person produces in court a certificate of number previously issued to the owner that was valid at the time of the alleged violation.

...."

**AMEND DEFINITIONS RELATED TO WILDLIFE RESOURCES COMMISSION
PROPERTY AND MOUNTAIN TROUT WATERS**

SECTION 2. G.S. 113-129 reads as rewritten:

"§ 113-129. **Definitions relating to resources.**

The following definitions and their cognates apply in the description of the various marine and estuarine and wildlife resources:

...



- (1d) Boating and Fishing Access Area. – An area of land providing access to public waters and which is owned, allocated to, leased, controlled, or managed by the Wildlife Resources Commission.
- ...
- (8a) Game Lands. – Lands owned, allocated to, leased, controlled, or cooperatively managed by the Wildlife Resources ~~Commission for public hunting, trapping, or fishing~~ Commission.
- ...
- (11d) Mountain Heritage Trout Waters. – Those waters that run through or are adjacent to a city that has been designated by the Wildlife Resources Commission as a Mountain Heritage Trout City pursuant to G.S. 113-273(e).
- (11e) Nongame Animals. – All wild animals except game and fur-bearing animals.
- (11f) Nongame Birds. – All wild birds except game birds.
- ...
- (13c) Public Mountain Trout Waters. – Those waters designated by the Wildlife Resources Commission that are managed and regulated to sustain a mountain trout fishery.
- (13d) Raptor. – A migratory bird of prey authorized under federal law and regulations for the taking of quarry by falconry.
- ...
- (18) Wildlife Resources Commission Property. – All lands, game lands, wildlife refuges, artificial constructions in boating and fishing access areas, and all other property owned, allocated to, leased, controlled, or cooperatively managed and designated for public use by the Wildlife Resources Commission."

ALLOW SALE OF PERMANENTLY PRESERVED BEARS AND TURKEYS WITH A TROPHY SALE PERMIT

SECTION 3. G.S. 113-291.3 reads as rewritten:

"§ 113-291.3. Possession, sale, and transportation of wildlife.

...

(b) With respect to dead wildlife:

- ...
- (3) A licensed taxidermist or other licensed dealer taking temporary possession of wildlife of another may possess the wildlife that he is authorized to handle under his license in accordance with the rules of the Wildlife Resources Commission. A person not a dealer operating a preservation or processing facility, whether commercially or not, may possess the wildlife owned by another without any permit or license if he ascertains that the wildlife was lawfully taken within the State and keeps a written record of:
- a. The name and address of the owner of the wildlife and an adequate description of the wildlife left with him. If the description of the wildlife changes as the result of processing, the new description must be recorded.
 - b. The date, ~~serial number~~, authorization number, and type of the license under which the wildlife was taken or the applicable exemption from license requirements which the taker met.
 - c. The date all wildlife left with him is received and returned to the owner. If the receiving or returning of possession is to an agent or common carrier or otherwise occurs under circumstances in which

permit requirements may apply, the type and date of the permit which authorizes the transaction must also be recorded.

- (4) The sale of rabbits and squirrels and their edible parts not for resale is permitted. If the Wildlife Resources Commission finds that affected game populations would not be endangered, it may authorize the sale of heads, antlers, horns, hides, skins, plumes, feet, and claws of one or more game animals or birds. In addition, it may authorize the sale of bobcats, opossums, and raccoons, and their parts, following their taking as game animals. No part of any bear or wild turkey may be sold under the above provisions, however, and no permanently preserved bears or tanned bear hides and permanently preserved turkeys or turkey parts may be sold with a trophy sale permit. No part of any fox taken in North Carolina may be sold except as provided in G.S. 113-291.4. In regulating sales, the Wildlife Resources Commission may impose necessary permit requirements.

...."

UNIFIED LICENSE AMENDMENT

SECTION 4. G.S. 113-351 reads as rewritten:

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

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

- ...
(3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses. – ~~Except as provided in sub-subdivision f. of this subdivision, a~~ A license issued under this subdivision is valid for the lifetime of the licensee. A license issued under this subdivision authorizes the licensee to take all wild animals and wild birds, including waterfowl, by all lawful methods in all open seasons, including the use of game lands; to fish with hook and line for all fish in all inland fishing waters and joint fishing waters, including public mountain trout waters; and to engage in recreational fishing in coastal fishing waters.

- ...
f. Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$110.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. ~~This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.~~

...."

WILDLIFE ENDOWMENT FUND CHANGES

SECTION 5. G.S. 143-250.1 reads as rewritten:

"§ 143-250.1. Wildlife Endowment Fund.

(a) Recognizing the inestimable importance to the State and its people of conserving the wildlife resources of North Carolina, and for the purpose of providing the opportunity for citizens and residents of the State to invest in the future of its wildlife resources, there is created the North Carolina Wildlife Endowment Fund, the income and principal of which shall be used only for the purpose of supporting wildlife conservation programs of the State in accordance with this section. This fund shall also be known as the Eddie Bridges Fund.

(b) There is created the Board of Trustees of the Wildlife Endowment Fund of the Wildlife Resources Commission, with full authority over the administration of the Wildlife Endowment Fund, whose ex officio chairman, vice-chairman, and members shall be the chairman, vice-chairman, and members of the Wildlife Resources Commission. The State Treasurer shall be the custodian of the Wildlife Endowment Fund and shall invest its assets in accordance with the provisions of G.S. 147-69.2 and 147-69.3.

(c) The assets of the Wildlife Endowment Fund shall be derived from the following:

- (1) The proceeds of any gifts, grants and contributions to the State which are specifically designated for inclusion in the ~~fund~~; fund.
- (2) The proceeds from the sale of lifetime sportsman combination licenses issued pursuant to ~~G.S. 113-270.1D~~; G.S. 113-270.1D.
- (3) The proceeds from the sale of lifetime hunting and lifetime fishing licenses pursuant to ~~G.S. 113-270.2(e)(2) and G.S. 113-271(d)(3)~~; G.S. 113-270.2 and G.S. 113-271.
- (3a) The proceeds from the sale of lifetime trapping licenses pursuant to G.S. 113-270.5(b).
- (4) The proceeds of lifetime subscriptions to the magazine Wildlife in North Carolina at such rates as may be established from time to time by the Wildlife Resources ~~Commission~~; Commission.
- (5) Any amount in excess of the statutory fee for a particular lifetime license or lifetime subscription shall become an asset of the fund and shall qualify as a tax exempt donation to the ~~State~~; State.
- (5a) The proceeds from the sale of lifetime combination hunting and fishing licenses for disabled residents pursuant to ~~G.S. 113-270.1C(b)(4)~~; G.S. 113-270.1C.
- (5b) The Wildlife Resources Commission's portion of the proceeds from the sale of lifetime unified licenses pursuant to G.S. 113-351.
- (6) Such other sources as may be specified by law.

(d) The Wildlife Endowment Fund is declared to constitute a special trust derived from a contractual relationship between the State and the members of the public whose investments contribute to the fund. In recognition of such special trust, the following limitations and restrictions are placed on expenditures from the funds:

- (1) Any limitations or restrictions specified by the donors on the uses of the income derived from gifts, grants and voluntary contributions shall be respected but shall not be binding.
- (2) No expenditures or disbursements from the income from the proceeds derived from the sale of Infant Lifetime Sportsman or Youth Lifetime Sportsman Licenses pursuant to G.S. 113-270.1D(b)(1) or (2) shall be made for any purpose until the respective holders of such licenses attain the age of 16 years. The State Treasurer, as custodian of the fund, shall determine actuarially from time to time the amount of income within the fund which remains encumbered by and which is free of this restriction. For such purpose, the executive director shall cause deposits of proceeds and related investment income from Infant Lifetime Sportsman Licenses ~~to be distinguished and deposits of proceeds from and~~ Youth Lifetime Sportsman Licenses to be accompanied by information as to the ages of the license recipients.
- (3) No expenditure or disbursement shall be made from the principal of the Wildlife Endowment Fund except as otherwise provided by law.
- (4) The income received and accruing from the investments of the Wildlife Endowment Fund must be spent only in furthering the conservation of wildlife resources and the efficient operation of the North Carolina Wildlife Resources

Commission in accomplishing the purposes of the agency as set forth in G.S. 143-239.

(e) The Board of Trustees of the Wildlife Endowment Fund may accumulate the investment income of the fund until the income, in the sole judgment of the trustees, can provide a significant supplement to the budget of the Wildlife Resources Commission. After that time the trustees, in their sole discretion and authority, may direct expenditures from the investment income of the fund for the purposes set out in division (4) of subsection (d).

(f) Expenditure of the investment income derived from the Wildlife Endowment Fund shall be made through the State budget accounts of the Wildlife Resources Commission in accordance with the provisions of the Executive Budget Act. The Wildlife Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

(f1) At all times during which the cash balance in the Wildlife Endowment Fund is equal to or greater than the sum of one hundred million dollars (\$100,000,000), the Wildlife Resources Commission shall budget at least twenty-five percent (25%) of the annual expendable ~~interest~~ investment income from the Fund, as determined by the Board of Trustees of the Fund, to implement the conservation goals set forth in the Wildlife Resource Commission's strategic plan.

(g) The Wildlife Endowment Fund and the investment income therefrom shall not take the place of State appropriations or agency receipts placed in the Wildlife Resources Fund, or any part thereof, but any portion of the income of the Wildlife Endowment Fund available for the purpose set out in ~~division~~ subdivision (4) of subsection (d) shall be used to supplement other income of and appropriations to the Wildlife Resources Commission to the end that the Commission may improve and increase its services and become more useful to a greater number of people.

(h) In the event of a future dissolution of the Wildlife Resources Commission, such State agency as shall succeed to its budgetary authority shall, ex officio, assume the trusteeship of the Wildlife Endowment Fund and shall be bound by all the limitations and restrictions placed by this section on expenditures from the fund. No repeal or modification of this section or of G.S. 143-239 shall alter the fundamental purposes to which the Wildlife Endowment Fund may be applied. No future dissolution of the Wildlife Resources Commission or substitution of any agency in its stead shall invalidate any lifetime license issued in accordance with G.S. 113-270.1D(b), 113-270.2(c)(2), ~~or 113-271(d)(3)~~, 113-271(d)(3), or 113-351(c)."

VARIOUS LICENSE CHANGES

SECTION 6.(a) G.S. 113-270.1B reads as rewritten:

"§ 113-270.1B. License required to hunt, fish, or trap; fees set by Commission.

(a) Except as otherwise specifically provided by law, no person may hunt, fish, trap, or participate in any other activity regulated by the Wildlife Resources Commission for which a license is provided by law without having first procured a current and valid license authorizing the activity.

(b) Except as indicated otherwise, all ~~licenses are annual licenses~~ licenses, permits, stamps, and certifications are valid from the date of issue for a period of 12 months.

(c) As used in this section, the term "effective date" means the later of:

- (1) The date of purchase of a new license.
- (2) The first day after the expiration of a currently valid license of the same type held by the licensee.

(d) For those licenses sold directly through the Commission by telephone, mail, online, or at a service counter, the Commission may charge a fee of two dollars (\$2.00) per transaction. A fee may not be charged by the Commission for federal Harvest Information Program (HIP) certification, big game harvest report cards for lifetime license holders, exempt landowners,

persons of less than 16 years of age, or for any other license or vessel transactions for which there is no charge.

(c) The Wildlife Resources Commission shall adopt rules to establish fees for ~~the hunting, fishing, trapping, and activity licenses~~ all licenses, permits, stamps, and certifications issued and administered by the Wildlife Resources Commission, except those specified in G.S. 113-173. ~~No rule to increase fees above January 1, 2015, levels may increase a fee in excess of the total increase in the Consumer Price Index for All Urban Consumers Consumers, rounded up to the next whole dollar, over the period of time since the last fee change.~~

The statutory fees for the hunting, fishing, trapping, and activity licenses issued and administered by the Wildlife Resources Commission shall expire when the rules adopted pursuant to this subsection become effective."

SECTION 6.(b) G.S. 113-270.1C reads as rewritten:

"§ 113-270.1C. Combination hunting and inland fishing licenses.

(a) The combination hunting and inland fishing licenses set forth in subsection (b) of this section entitle the licensee to ~~take, except on game lands, take~~ all wild birds and wild animals, other than big game and waterfowl, by all lawful ~~methods~~ methods, except trapping, and in all open seasons, and to fish with hook and line in all inland and joint fishing waters, ~~except and public mountain trout waters.~~ waters, but does not entitle the licensee to engage in fishing in coastal fishing waters. A combination hunting and inland fishing license issued under this section ~~does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~ entitles the licensee to access and use Wildlife Resources Commission Property.

(b) Combination hunting and inland fishing licenses issued by the Wildlife Resources Commission are:

- (1) Resident Annual Combination Hunting and Inland Fishing License – ~~\$25.00.~~ \$35.00. This license shall be issued only to an individual resident of the State.
- (2), (3) Repealed by Session Laws 1997-326, s. 2.
- (4) Repealed by Session Laws 2005-455, s. 1.6, effective January 1, 2007.
- (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the licensee ~~so long as the licensee remains fifty percent (50%) or more disabled. This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).~~ licensee.
- (6) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee. ~~This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).~~

SECTION 6.(c) G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License – \$50.00. This license shall be issued only to an individual resident of the State and entitles the licensee to take all wild animals and wild birds, including waterfowl, by all lawful ~~methods~~ methods, except trapping, in all open seasons, ~~including the use of game lands,~~ and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout ~~waters.~~ waters, but does not entitle the licensee to engage in fishing in coastal waters. An annual sportsman license issued under this subsection ~~does not~~

~~entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters, entitles the licensee to access and use Wildlife Resources Commission Property.~~

(b) ~~Lifetime Sportsman Licenses. – Except as provided in subdivision (7) of this subsection, lifetime~~ Lifetime sportsman licenses are valid for the lifetime of the licensees. Lifetime sportsman licenses entitle the licensees to take all wild animals and wild birds by all lawful ~~methods~~ methods, ~~except trapping,~~ in all open seasons, ~~including the use of game lands,~~ and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout ~~waters,~~ waters, but do not entitle the licensee to engage in fishing in coastal fishing waters, except if the license was purchased before January 1, 2006, pursuant to G.S. 113-174.2(d)(2). ~~A lifetime sportsman license issued under this subsection does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters, entitles the licensee to access and use Wildlife Resources Commission Property.~~ Lifetime sportsman licenses issued by the Wildlife Resources Commission are:

- (1) Infant Lifetime Sportsman License – \$200.00. This license shall be issued only to an individual under one year of age.
- (2) Youth Lifetime Sportsman License – \$350.00. This license shall be issued only to an individual under 12 years of age.
- (3) Adult Resident Lifetime Sportsman License – \$500.00. 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.
- (4) Nonresident Lifetime Sportsman License – \$1,200. This license shall be issued only to an individual nonresident of the State.
- (5) Age 70 Resident Lifetime Sportsman License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
- (6) Repealed by Session Laws 2005-455, s. 1.7. effective January 1, 2007.
- (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. ~~This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.~~
- (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission.
- (9) **(Effective July 1, 2019)** Fallen Wildlife Officers Memorial Lifetime Sportsman License. – This license shall also be known as the John Oliver Edwards Memorial Lifetime Sportsman License and shall be issued free of charge only to a surviving spouse, child, grandchild, or great-grandchild of a wildlife enforcement officer killed in the line of duty."

SECTION 6.(d) G.S. 113-270.2 reads as rewritten:

"§ 113-270.2. Hunting licenses.

(a) The hunting licenses set forth in subdivisions (1), ~~(3), (2), (5), (6), and (6)-(7)~~ of subsection (c) of this section entitle the holder to ~~take, except on game lands, take~~ wild birds and wild animals, other than big game and waterfowl, by all lawful ~~methods~~ methods, ~~except trapping,~~ and in all open seasons. Unless otherwise specified, a hunting license issued under this subsection entitles the licensee to access and use Wildlife Resources Commission Property. The

comprehensive hunting licenses of subdivisions (2) and (5) of subsection (c) of this section further entitle the holder to take big game and ~~waterfowl and to use game lands, waterfowl.~~

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 2.

(c) The hunting licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident State Hunting License – ~~\$20.00, \$25.00.~~ This license shall be issued only to an individual resident of the State.
- (2) Lifetime Resident Comprehensive Hunting License – \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the holder.
- (3) Repealed by Session Laws 2013-283, s. 3, effective August 1, 2014.
- (4) Controlled Hunting Preserve Hunting License – \$20.00. This license shall be issued to an individual resident or nonresident to take only ~~foxes~~ foxes, coyotes, rabbits, and domestically raised chukars, Hungarian partridges, and game birds, other than wild turkey, only within a controlled hunting preserve licensed and operated in accordance with G.S. 113-273(g) and implementing rules of the Wildlife Resources Commission. This license does not authorize access to or use of Wildlife Resources Commission Property.
- (5) Resident Annual Comprehensive Hunting License – \$36.00. This license shall be issued only to an individual resident of the State.
- (6) Nonresident State Hunting License. This license shall be issued only to a nonresident. The nonresident State hunting licenses issued by the Wildlife Resources Commission are:
 - a. Season License – ~~\$80.00, \$100.00.~~
 - b. Ten-Day License – ~~\$60.00, \$80.00.~~ This license is valid for the 10 consecutive dates indicated on the license.
- (7) Falconry Hunting License – \$25.00. This license shall be issued to an individual resident or nonresident and authorizes taking wildlife by means of falconry. In addition to a falconry hunting license, the license holder shall also possess a valid falconry license as described in G.S. 113-270.3(b)(4). This license expires June 30.

(d) One dollar (\$1.00) of the proceeds received from the sale of each nonresident hunting license sold pursuant to subdivision (6) of subsection (c) of this section shall be set aside by the Wildlife Resources Commission and contributed to a proper agency or agencies in the United States for expenditure in Canada for the restoration and management of migratory waterfowl."

SECTION 6.(e) G.S. 113-270.3 reads as rewritten:

"§ 113-270.3. Special activity licenses; big game kill reports.

(a) In addition to any hunting, trapping, or fishing license that may be required pursuant to G.S. 113-270.1B(a), individuals engaging in specially regulated activities must have the appropriate special activity license and stamp prescribed in this section before engaging in the regulated activity.

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

- ...
- (2) Nonresident Big Game Hunting License. This license shall be issued only to an individual nonresident of the State and entitles the holder to take big game by all lawful methods and during all open seasons. The nonresident big game hunting licenses issued by the Wildlife Resources Commission are:
 - a. Season License – ~~\$80.00, \$100.00.~~
 - b. Ten-Day License – ~~\$60.00, \$80.00.~~ This license is only valid for the 10 consecutive dates indicated on the license.
- ...

- (3) ~~Game Land License – \$15.00. This license shall be issued to an individual resident or nonresident of the State and entitles the holder to hunt and trap on game lands managed by the Wildlife Resources Commission. The Wildlife Resources Commission may, pursuant to G.S. 113-264(a), designate in its rules other activities on game lands that require purchase of this license and may charge additional fees for use of specially developed facilities.~~
- (4) Falconry License – \$10.00. This license shall be issued to an individual resident or nonresident of the State and must be procured before:
- a. Taking, importing, transporting, or possessing a raptor; or
 - b. Taking wildlife by means of falconry.
- In addition to a falconry license, license holders 16 years of age and older must also possess a hunting license as set forth in G.S. 113-270.1C, 113-270.1D, and 113-270.2 when taking wildlife by means of falconry. The Wildlife Resources Commission may issue classes of falconry licenses necessary to participate in the federal/State permit system, require necessary examinations before issuing licenses or permits to engage in various authorized activities related to possession and maintenance of raptors and the sport of falconry, and regulate licenses as required by governing federal law and rules. To defray the costs of administering required examinations, the Wildlife Resources Commission may charge reasonable fees upon giving them. To meet minimum federal standards plus other State standards in the interests of conservation of wildlife resources, the Wildlife Resources Commission may impose all necessary controls, including those set out in the sections pertaining to collection licenses and captivity licenses, and may issue permits and require reports, but no collection license or captivity license is needed in addition to the falconry license.

...."

SECTION 6.(f) G.S. 113-270.5 reads as rewritten:

"§ 113-270.5. Trapping licenses.

(a) ~~Except as otherwise specifically provided by law, no one may take fur-bearing animals by trapping, or by any other authorized special method that preserves the pelt from injury, without first having procured a current and valid trapping license. When the trapping license is required, it serves in lieu of a hunting license in the taking of fur-bearing animals. If fur-bearing animals are taken as game, at the times and by the hunting methods that may be authorized, hunting license requirements apply.~~ no person may take wild animals by trapping during open trapping seasons without a valid trapping license.

(b) ~~The trapping licenses issued by the Wildlife Resources Commission are as follows:~~ follows and entitle the licensee to access and use Wildlife Resource Commission Property:

- (1) Resident State Trapping License – \$30.00. This license is valid only for use by an individual resident of the State.
- (1a) Resident Lifetime Trapping License – \$300.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the licensee.
- (2) Repealed by Session Laws 2013-283, s. 6, effective August 1, 2014.
- (3) Nonresident State Trapping License – \$125.00. This license is valid for use by an individual within the State."

SECTION 6.(g) G.S. 113-271 reads as rewritten:

"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.

(a) An inland hook-and-line fishing license issued under subdivisions (2), (3), (5), (6), (6a), (6b), and (6c) of subsection (d) of this section entitles the licensee to fish with hook and line

in inland fishing waters and ~~waters~~, joint fishing waters, ~~waters~~, and public mountain trout waters. An inland hook-and-line fishing license issued under this section ~~does not entitle~~ entitles the licensee to ~~engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~ An inland hook and line fishing license issued under subdivision (1), (3), (6a), (6b), (6c), or (9) of subsection (d) of this section ~~entitles the licensee to fish with hook and line in public mountain trout waters.~~ access and use Wildlife Resources Commission Property, but does not entitle the licensee to engage in fishing in coastal fishing waters.

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 4.

(c) Repealed by Session Laws 1979, c. 830, s. 1.

(d) The hook-and-line fishing licenses issued by the Wildlife Resources Commission are as follows:

- (1) ~~Resident Annual Comprehensive Inland Fishing License — \$25.00. This license shall be issued only to an individual resident of the State.~~
- (2) Resident State Inland Fishing License — ~~\$20.00.~~ \$25.00. This license shall be issued only to an individual resident of the State.
- (3) Lifetime Resident Comprehensive Inland Fishing License — \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the licensee.
- (4) Repealed by Session Laws 2013-283, s. 7, effective August 1, 2014.
- (5) Nonresident State Inland Fishing License — ~~\$36.00.~~ \$45.00. This license shall be issued to an individual nonresident of the State.
- (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses are valid only for the date or consecutive dates indicated on the licenses. Short-term inland fishing licenses issued by the Wildlife Resources Commission are:
 - a. Resident 10-day Inland Fishing License — ~~\$7.00.~~ \$9.00. This license shall be issued only to a resident of the State.
 - b. Nonresident 10-day Inland Fishing License — ~~\$18.00.~~ \$23.00. This license shall be issued only to a nonresident of the State.
 - c. Repealed by Session Laws 2005-455, s. 1.8, effective January 1, 2007.
- (6a) Age 70 Resident Lifetime Inland Fishing License — \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
- (6b) Resident Disabled Veteran Lifetime Inland Fishing License — \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime of the licensee ~~so long as the licensee remains fifty percent (50%) or more disabled.~~ licensee.
- (6c) Resident Totally Disabled Lifetime Inland Fishing License — \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime of the licensee.
- ...
- (10) Mountain Heritage Trout Waters Three-Day Fishing License — \$8.00. This license shall be issued to an individual resident or nonresident of the State and shall entitle the holder to fish in waters designated by the Wildlife Resources Commission as mountain heritage trout waters for the three consecutive days indicated on the license. An individual who holds a mountain heritage trout

waters three-day fishing license does not need to hold any other hook-and-line fishing license issued pursuant to this subsection in order to fish in mountain heritage trout waters."

SECTION 6.(h) G.S. 113-272 is repealed.

SECTION 6.(i) G.S. 113-272.3 reads as rewritten:

"§ 113-272.3. Special provisions respecting fishing licenses; grabbing; taking bait fish; use of landing nets; lifetime licenses issued from Wildlife Resources Commission headquarters; personalized lifetime sportsman combination licenses.

...
(c) **(Effective until July 1, 2019)** Lifetime licenses are issued from the Wildlife Resources Commission ~~headquarters~~ headquarters to facilitate compliance with 50 C.F.R. § 80.31. Each application for ~~an any~~ Infant Lifetime Sportsman or Sportsman, Youth Lifetime Sportsman-Sportsman, or Age 70 Resident Lifetime License must be accompanied by a ~~certified~~ copy of the birth certificate, adoption order containing the date of birth, or other proof of age satisfactory to the Commission, of the individual to be named as the licensee.

...
(e) Mountain Heritage Trout Waters Program. – The Wildlife Resources Commission shall establish and implement a Mountain Heritage Trout Waters Program to promote trout fishing as a heritage tourism activity. The Commission shall develop criteria for participation in the Program by cities and prepare a management plan for mountain heritage trout waters. A city that meets the criteria for participation in the Program shall be designated by the Commission as a Mountain Heritage Trout City."

SECTION 6.(j) G.S. 113-272.4 reads as rewritten:

"§ 113-272.4. Collection licenses.

(a) In the interest of the orderly and efficient conservation of wildlife resources, the Wildlife Resources Commission may provide for the licensing of ~~qualified~~ individuals to take any of the wildlife resources of the State under a collection license that may serve in lieu of any other license required in this Article. This license authorizes incidental transportation and possession of the wildlife resources necessary to implement the authorized purposes of the taking, but the Wildlife Resources Commission in its discretion may additionally impose permit requirements under subsection (d) below and G.S. 113-274.

(b) The Wildlife Resources Commission may delegate to the Executive Director the authority to impose time limits during which the license is valid and restrictions as to what may be taken and method of taking and possession, in the interests of conservation objectives. ~~The Executive Director through his responsible agents must determine whether a particular license applicant meets the standards and qualifications for licensees set by the Wildlife Resources Commission.~~ Methods of taking under a collection license need not be restricted to those applicable to ordinary hunting, trapping, or fishing, but the licensee ~~must~~ shall observe the restrictions as to taking, transportation, and possession imposed by the Executive Director upon the granting of the license.

(c) When a more limited duration period is not set by the Executive Director ~~in implementing the rules of the Wildlife Resources Commission,~~ Director, collection licenses are valid from January 1 through December 31 in any year. This license is issued upon payment of ~~five dollars (\$5.00), but the Wildlife Resources Commission may provide for issuance without charge to licensees who represent educational or scientific institutions or some governmental agency,~~ ten dollars (\$10.00). The Wildlife Resources Commission may adopt rules to utilize replacement costs of wildlife resources to offset the impact of collection or possession activities.

(d) As necessary, the Executive Director may administratively impose on licensees under this section restrictions upon individuals taking, transporting, or possessing under the license which will permit ready identification and control of those involved in the interest of efficient administration of laws pertaining to wildlife resources. Restrictions may include requirements as

to record keeping, tagging, marking packages, cages, or containers and exhibition of additional limited-purpose and limited-time permits that may be issued without charge to cover particular activities and other actions that may be administratively required in the reasonable implementation of the objectives of this Subchapter.

(e) If the Executive Director deems it administratively appropriate and convenient to do so, in the interests of simplifying the administration of licensing requirements, ~~he the Executive Director~~ may grant particular licensees under this section the privilege of utilizing assistants in taking, transporting, or possessing wildlife resources who themselves are not licensed. Any assistants so taking, transporting, or possessing wildlife resources ~~must~~ shall have readily available for inspection a written authorization from the licensee to engage in the activity in question. The written authorization ~~must~~ shall contain information administratively required by the Executive Director, and a copy of the authorization must be placed in the mail addressed to the Executive Director or his designated agent submitted to the Wildlife Resources Commission before any assistant acts under the authorization. In his discretion the The Executive Director may refuse to issue, refuse to renew, or revoke the privilege conferred in this subsection. If this is done, each individual engaged in taking, transporting, or possessing wildlife resources under this section ~~must~~ shall meet all applicable licensing and permit requirements."

SECTION 6.(k) G.S. 113-272.5 reads as rewritten:

"§ 113-272.5. Captivity license.

(a) ~~In the interests of humane treatment of wild animals and wild birds that are lawfully taken, crippled, tame, or unfit for immediate release into their natural habitat, the The Wildlife Resources Commission may license qualified individuals to hold at a specified location location~~ wild animals and wild birds that are lawfully taken, crippled, tame, or unfit for immediate release into their natural habitat, or one or more of any particular species of wild animal or wild bird alive in captivity for scientific, educational, exhibition, or other purposes. Before issuing this license, the Executive Director must ~~satisfy himself~~ determine that issuance of the license is appropriate under the objectives of this Subchapter, and that the wild animal or wild bird was not acquired unlawfully or merely as a pet. Upon refusing to issue the captivity license, the Executive Director may either take possession of the wild animal or wild bird for appropriate disposition or issue a captivity permit under G.S. 113-274(c)(1b) for a limited period until the holder makes proper disposition of the wild animal or wild bird.

(b) Unless a shorter time is set for a license upon its issuance under the provisions of subsection (c), captivity licenses are annual licenses issued beginning January 1 each year and running until the following December 31. ~~This license is issued upon payment of five dollars (\$5.00) The captivity license for holding shall be issued upon payment of fifty dollars (\$50.00) and the captivity license for rehabilitation shall be issued upon payment of ten dollars (\$10.00)~~ to the Wildlife Resources Commission.

(c) The Wildlife Resources Commission may require standards of caging and care and reports to and supervision by employees of the Wildlife Resources Commission ~~as necessary to insure humane treatment and in~~ furtherance of the objectives of this Subchapter. The Executive Director in implementing the provisions of this section may administratively impose ~~through responsible agents and employees~~ restrictions upon the mode of captivity ~~that he deems deemed~~ necessary, including prescribing methods of treatment and ~~handling designed, if possible, to enable the wild animal or wild bird to become self-sufficient and requiring that the wild animal or wild bird be set free when self-sufficiency is attained.~~ handling. To this end, the Executive Director may issue the captivity license with an expiration date earlier than December 31 and may also act to terminate any captivity license earlier than the expiration date for good cause.

...."

SECTION 6.(l) G.S. 113-273 reads as rewritten:

"§ 113-273. Dealer licenses. Other licenses.

(a) ~~"Dealer" Defined; All Licenses Annual.~~—As used in this section, the word "dealer" includes all persons or individuals required to be licensed under the terms of this section. Except when indicated otherwise, ~~dealer otherwise indicated,~~ licenses in this section are annual licenses issued beginning January 1 each year running until the following December 31.

(b) ~~License Required; Rules Governing Licensee.~~—Except as otherwise provided, no person may engage in any activity for which a ~~dealer~~ license is provided under this section without first having procured a current and valid ~~dealer~~ license for that activity. In implementing the provisions of this section, the Wildlife Resources Commission may by rule govern every aspect of the licensee's dealings in wildlife resources. Specifically, these rules may require ~~dealers licensees~~ to:

- (1) Implement a system of tagging or otherwise identifying and controlling species regulated under the license and pay a reasonable fee, ~~not to exceed two dollars and twenty five cents (\$2.25),~~ for each tag furnished by the Wildlife Resources Commission; Commission to defray costs;
- (2) Keep records and statistics in record books furnished by the Wildlife Resources Commission, and pay a reasonable charge to defray the cost of furnishing the books;
- (3) Be subject to inspection at reasonable hours and audit of wildlife resources and pertinent records and equipment;
- (4) Make periodic reports;
- (5) Post performance bonds payable to the Wildlife Resources Commission conditioned upon faithful compliance with provisions of law; and
- (6) Otherwise comply with reasonable rules and administrative requirements that may be imposed under the authority of this section.

...
(f) ~~Fur-Dealer License.~~—Except as otherwise provided in this subsection, any individual in this State who deals in furs must obtain an appropriate fur-dealer license. For the purposes of this subsection, "dealing in furs" is engaging in the business of buying or selling fur-bearing animals or other wild animals that may lawfully be sold, the raw furs, pelts, or skins of those animals, or the furs, pelts, or skins of wild animals which may not themselves be sold but whose fur, pelt, or skin may lawfully be sold. A hunter or trapper who has lawfully taken wild animals whose fur, pelt, or skin is permitted to be sold under this subsection is not considered a fur dealer if he exclusively sells the animals or the furs, pelts, and skins, as appropriate, to licensed fur dealers. All fur-dealer licenses are annual licenses issued beginning July 1 each year running until the following June 30. Fur-dealer licenses issued by the Wildlife Resources Commission are as follows:

- ...
- (3) Fur-dealer station license, one hundred twenty dollars (\$120.00). Authorizes a person or individual to deal in furs at an established location where fur dealings occur under the supervision of a responsible individual manager named in the license. Individual employees of the business dealing in furs solely at the established location under the supervision of the manager need not acquire an individual license. Any employee who also deals in furs outside the established location ~~must~~ shall obtain the appropriate individual license. Individuals dealing in furs at an established location may elect to do so under their individual licenses.

The Executive Director may administratively provide for reissuance of a station license without charge for the remainder of the year when either a business continues at an established location under a new supervising manager or the business changes to a new location. Before reissuing the license, however, the Executive Director ~~must satisfy himself~~ shall determine that

there is a continuation of essentially the same business previously licensed and that any new supervising manager meets the qualifications imposed by rules of the Wildlife Resources Commission. The supervising manager ~~must~~ shall file the names of all employees of the business covered by a fur-dealer station license, whether temporary or permanent, including employees who process or skin the animals.

The Executive Director ~~must~~ shall furnish supervising managers and individual licensees with forms or record books for recording required information as to purchase, sale, importation, exportation, and other dealings, and make a reasonable charge to cover the costs of any record books furnished. It is unlawful for anyone dealing in furs to fail to submit reports required by rules or reasonable administrative directives.

(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 ~~two~~ 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; ~~the other 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 may be purchased for a fee of ~~fifty dollars (\$50.00);~~ one hundred dollars (\$100.00) and is an annual license issued beginning 1 July each year running until the following 30 June.

(h) Game Bird Propagation License. – No person may propagate game birds in captivity or possess game birds for propagation without first procuring a license under this subsection. The Wildlife Resources Commission may by rule prescribe the activities to be covered by the propagation license, which species of game birds may be propagated, and the manner of keeping and raising the birds, in accordance with the overall objectives of conservation of wildlife resources. Except as limited by this subsection, propagated game birds may be raised and sold for purposes of propagation, stocking, food, or taking in connection with dog training as authorized in G.S. 113-291.1(d). Migratory game bird operations authorized under this subsection must also comply with any applicable provisions of federal law and rules. The Wildlife Resources Commission may impose requirements as to shipping, marking packages, banding, tagging, or wrapping the propagated birds and other restrictions designed to reduce the change of illicit game birds being disposed of under the cover of licensed operations. The Wildlife Resources Commission may make a reasonable charge for any bands, tags, or wrappers furnished propagators. The game bird propagation license is issued by the Wildlife Resources Commission upon payment of a fee of ~~five dollars (\$5.00);~~ ten dollars (\$10.00). It authorizes a person or individual to propagate and sell game birds designated in the license, in accordance with the rules of the Wildlife Resources Commission, except:

- (1) Wild turkey and ruffed grouse may not be sold for food.
- (2) Production and sale of pen-raised quail for food purposes is under the exclusive control of the Department of Agriculture and Consumer Services. The Wildlife Resources Commission, however, may regulate the possession, propagation, and transportation of live pen-raised quail.

...

(k) Taxidermy License. – Any individual who engages in ~~taxidermy~~ taxidermy, including the tanning of hides, involving wildlife for any compensation, including reimbursement for the cost of materials, must first procure a taxidermy license. This license is an annual license issued by the Wildlife Resources Commission for ~~ten dollars (\$10.00).~~ The Wildlife Resources Commission must require a licensee to keep records concerning any wildlife taken or possessed by him; to keep records of the names and addresses of persons bringing him wildlife, the names and addresses of persons taking the wildlife if different, and other information concerning the origin of the wildlife; to inspect any applicable licenses or permits pertaining to the taking and possession of wildlife brought to him; to restrict him to taxidermy upon lawfully acquired wildlife; and to keep other pertinent records. ~~fifty dollars (\$50.00).~~ In addition to a taxidermy license, license holders engaging in taxidermy of any species of the family Cervidae must also obtain a taxidermy cervid certification issued by the Wildlife Resources Commission for five dollars (\$5.00), the proceeds of which shall be used to fund the Cervid Health Cooperator Program and for other chronic wasting disease surveillance. The Wildlife Resources Commission is authorized by rule to set standards and reporting requirements for taxidermy licenses and certifications. No taxidermist subject to license requirements may sell any game or game fish in which he deals except that a taxidermist may acquire a valid possessory lien upon game or game fish under the terms of Chapter 44A of the General Statutes and, with a trophy sale permit from the Executive Director, Wildlife Resources Commission, may sell the game or game fish under the procedure authorized in Chapter 44A. Wildlife acquired by a taxidermist is deemed "personal property" for the purposes of Chapter 44A.

(l) Wildlife Control Agent License. – Any 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.

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

SECTION 6.(m) G.S. 113-274 reads as rewritten:

"§ 113-274. Permits.

(a) As used in this Article, the word "permit" refers to a written authorization issued ~~without charge~~ by an employee or agent of the Wildlife Resources Commission to an individual ~~or a person~~ to conduct some activity over which the Wildlife Resources Commission has jurisdiction. Unless otherwise specified, permits are issued at no cost. When a more limited duration period is not set by the Executive Director, permits are valid through December 31 in any calendar year. When sale of wildlife resources is permitted, rules or the directives of the Executive Director may require the retention of invoices or copies of invoices in lieu of a permit.

(b) Except as otherwise specifically provided, no one may engage in any activity for which a permit is required without having first procured a current and valid permit.

(c) The Wildlife Resources Commission may issue the following permits:

...

(1c) Possession ~~Permit—Permit – (\$10.00)~~. Authorizes the possession of dead wildlife or other wildlife resources lawfully acquired. The Wildlife Resources Commission may by rule implement the issuance and supervision of this permit, in accordance with governing laws and rules respecting the possession of wildlife. Any substantial deviation from reasonable requirements imposed by rule or administratively under the authority of this section renders the possession of the wildlife unlawful.

...
(3) Exportation or Importation ~~Permit—Permit – (\$10.00)~~. Authorizes the exportation or importation of wildlife resources from or into the State or from county to county. The Wildlife Resources Commission may by rule implement the issuance and supervision of this permit, in accordance with governing laws and rules respecting the exportation and importation of wildlife resources. Any substantial deviation from reasonable requirements imposed by rule or administratively under the authority of this section renders the importation or exportation of the wildlife resources unlawful.

(3a) Trophy Wildlife Sale ~~Permit—Permit – (\$10.00)~~. Authorizes the owner of lawfully taken and possessed dead wildlife specimens or their parts that are mounted, stuffed, or otherwise permanently preserved to sell identified individual specimens that may lawfully be sold under applicable laws and rules.

...
(3d) Endangered Species Permit – (\$10.00). Authorizes the collection, possession, or survey of endangered species. The Wildlife Resources Commission may by rule set standards and requirements for this permit. The Wildlife Resources Commission may enact rules utilizing replacement costs of wildlife resources to offset the impact of collection, possession, or survey activities.

(3e) Field Trial Permit – (\$10.00). Authorizes an individual to hold a Commission-sanctioned field trial for dogs in accordance with governing laws and rules adopted and implemented by the Wildlife Resources Commission.

...."

SECTION 6.(n) G.S. 113-275 reads as rewritten:

"§ 113-275. General provisions respecting licenses and permits.

(a) The Wildlife Resources Commission is authorized to make agreements with other jurisdictions as to reciprocal honoring of licenses in the best interests of the conservation of wildlife resources.

(a1) Notwithstanding the fees specified for nonresident individuals by G.S. 113-270.2, 113-270.3, 113-270.4, 113-270.5, 113-271, ~~113-272~~, ~~113-272.2~~, and ~~113-273~~, ~~113-273~~, or Wildlife Resources Commission rules, if the Wildlife Resources Commission finds that a state has a nonresident license fee related to wildlife resources that exceeds the fee for a comparable nonresident license in North Carolina, the Wildlife Resources Commission may, by resolution in official session, increase the nonresident license fee applicable to citizens of that state to an amount equal to the fee a North Carolina resident is required to pay in that state.

The action of the Wildlife Resources Commission to increase a fee pursuant to this subsection is not subject to the provisions of Article 2A of Chapter 150B of the General Statutes. The action of the Wildlife Resources Commission to increase a fee pursuant to this subsection becomes effective on the date specified by the Wildlife Resources Commission.

...
(k) A person may use a bow and arrow to take nongame fish in inland and joint fishing waters subject to any applicable rule of the Wildlife Resources Commission regarding seasons,

creel limits, type of weapon or subsidiary gear, or any other restriction necessary for the conservation of wildlife under the authority of the following licenses:

- (1) All of the combination hunting and fishing licenses issued pursuant to G.S. 113-270.1C;
- (2) All of the sportsman licenses issued pursuant to G.S. 113-270.1D;
- (3) The hunting licenses issued pursuant to G.S. 113- 270.2(c)(1), (2), (3), (5), and (6);
- (4) The hook-and-line fishing licenses issued pursuant to ~~G.S. 113-271(d)(1),(2);~~ G.S. 113-271(d)(2), (3), (4), (5), (6), (8), and (9); and
- (5) All of the special device fishing licenses issued pursuant to G.S. 113-272.2."

SECTION 6.(o) G.S. 113-276 reads as rewritten:

"§ 113-276. Exemptions and exceptions to license and permit requirements.

...

(d) Except as otherwise provided in this Subchapter, individuals under 16 years of age are exempt from the hunting and trapping license requirements of G.S. 113-270.1B(a) and ~~G.S. 113-270.3(a), G.S. 113-270.3,~~ except that such individuals are not exempt from the American alligator licenses established in G.S. 113-270.3(b)(6) and G.S. 113-270.3(b)(7), elk licenses established in G.S. 113-270.3(b)(8) and G.S. 113-270.3(b)(9), and the falconry license described in G.S. 113-270.3(b)(4). Individuals under 16 may hunt under this exemption, provided that the hunter is accompanied by an adult of at least 18 years of age who is licensed to hunt in this State. For purposes of this section, "accompanied" means that the licensed adult maintains a proximity that enables the adult to monitor the activities of the hunter by remaining within sight and hearing distance at all times without use of electronic devices. Upon successfully obtaining the hunter education certificate of competency required by G.S. 113-270.1A(a), a hunter may hunt under the license exemption until age 16 without adult accompaniment. Individuals under 16 years of age are exempt from the fishing license requirements of G.S. 113-270.1B(a), 113-272, and 113-271.

...

(l2) A resident of this State who is a member of the Armed Forces of the United States serving outside the State, or who is serving on full-time active military duty outside the State in a reserve component of the Armed Forces of the United States as defined in 10 U.S.C. 10101, is exempt from the hunting and fishing license requirements of G.S. 113-270.1B, G.S. 113-270.3(b)(1), G.S. 113-270.3(b)(3), G.S. 113-270.3(b)(5), G.S. 113-271, ~~G.S. 113-272;~~ G.S. 113-272.2(c)(1), and the Coastal Recreational Fishing License requirements of G.S. 113-174.2 while that person is on leave in this State for 30 days or less. In order to qualify for the exemption provided under this subsection, the person shall have on his or her person at all times during the hunting or fishing activity the person's military identification card and a copy of the official document issued by the person's service unit confirming that the person is on authorized leave from a duty station outside this State.

A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, complying with the hunter education requirements of G.S. 113-270.1A, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to.

(m) The fourth day of July of each year is declared a free fishing day to promote the sport of fishing and no hook-and-line fishing license is required to fish in any of the public waters of the State on that day. All other laws and rules pertaining to hook-and-line fishing apply.

(n) The Wildlife Resources Commission may adopt rules to exempt individuals from the hunting and fishing license requirements of G.S. 113-270.1B, 113-270.3(b)(1), 113-270.3(b)(1a), 113-270.3(b)(1b), 113-270.3(b)(2), 113-270.3(b)(3), 113-270.3(b)(5), 113-271, ~~113-272,~~ and 113-272.2(c)(1) who participate in organized hunting and fishing events

for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission. A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to. Those exempted persons shall comply with the hunter safety requirements of G.S. 113-270.1A or shall be accompanied by a properly licensed adult who maintains a proximity to the license exempt individual which enables the adult to monitor the activities of, and communicate with, the individual at all times."

SECTION 6.(p) G.S. 113-276.1 reads as rewritten:

"§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license requirements and exemptions.

In its discretion and in accordance with the best interests of the conservation of wildlife resources, the Wildlife Resources Commission may implement the provisions of this Article with rules that:

- (1) [Reserved.]
- (2) Regulate license requirements and exemptions applying to the taking of wildlife on particular waters forming or lying across a county boundary where there may be confusion as to the location of the boundary, hardship imposed as to the location of the boundary, or difficulty of administering or enforcing the law with respect to the actual boundary location.
- (3) Require persons subject to license requirements, and persons exempt from license requirements, to carry, display, or produce identification that may be necessary to substantiate the person's entitlement to a particular license or to a particular exemption from license requirements.
- (4) Require individuals aboard vessels or carrying weapons or other gear that may be used to take wildlife resources, and in an area at a time wildlife resources may be taken, to exhibit identification that includes the individual's name and current address. More than one piece of identification, including a vehicle driver license, may be required to be exhibited, if available.
- (5) Implement a system of tagging and reporting fur-bearing animals and big game. Upon the implementation of a tagging system for any species of fur-bearing animal, the Wildlife Resources Commission may charge a reasonable fee to defray its costs, ~~not to exceed two dollars twenty-five cents (\$2.25) per tag, costs~~ for each tag furnished. The price of the big game hunting license includes the cost of big game tags."

SECTION 6.(q) G.S. 113-276.2 reads as rewritten:

"§ 113-276.2. Licensees and permittees subject to administrative control; refusal to issue or reissue, suspension, and revocation of their licenses and permits; court orders of suspension.

- (a) This section applies to the administrative control of:
 - (1) Persons, other than individual hunters and fishermen taking wildlife as sportsmen, holding permits under this Article;
 - (2) Individuals holding special device licenses under G.S. 113-272.2(c)(1), (1a), (2), and (2a);
 - (3) Individuals holding collection licenses under G.S. 113-272.4;
 - (4) Individuals holding captivity licenses under G.S. 113-272.5 and G.S. 113-272.6; and
 - (5) Persons holding dealer licenses under G.S. 113-273.

...."

TRAPPER IDENTIFICATION NUMBERS

SECTION 7. G.S. 113-291.6(b) reads as rewritten:

"(b) No one may take wild animals by trapping with any steel-jaw, leghold, or conibear trap unless it:

- (1) Has a jaw spread of not more than seven and one-half inches.
- (2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.
- (3) Is smooth edged and without teeth or spikes.
- (4) Has a weather-resistant permanent tag attached legibly giving the trapper's name and ~~address~~-address or the trapper's trapper identification number provided by the Wildlife Resources Commission and the Wildlife Resources Commission's telephone number to report wildlife violations. If a trapper places a trap on the property of another that gives the trapper's trapper identification number instead of the trapper's name and address, the Wildlife Resources Commission shall disclose the identity of the trapper to the landowner upon the landowner's request.

A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by the Wildlife Resources Commission."

ENFORCEMENT AUTHORITY FOR WRC INSPECTORS AND PROTECTORS

SECTION 8.(a) G.S. 106-202.15 reads as rewritten:

"§ 106-202.15. Powers and duties of the Board.

The Board shall have all of the following powers and duties:

- ...
- (10) To cooperate or enter into formal agreements with any agency of this State or of any other state or of the federal government for the purpose of enforcing any of the provisions of this Article.

...."

SECTION 8.(b) G.S. 113-136 reads as rewritten:

"§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

(a) Inspectors and protectors are granted the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their respective subject-matter jurisdiction as set out in this section.

(b) The jurisdiction of inspectors extends to all matters within the jurisdiction of the Department set out in this Subchapter, Part 5D of Article 7 of Chapter 143B of the General Statutes, Article 5 of Chapter 76 of the General Statutes, and Article 2 of Chapter 77 of the General Statutes, and to all other matters within the jurisdiction of the Department which it directs inspectors to enforce. In addition, inspectors have jurisdiction over all offenses involving property of or leased to or managed by the Department in connection with the conservation of marine and estuarine resources.

(c) The jurisdiction of protectors extends to all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in this Chapter, Chapter 75A, Chapter 143, Chapter 143B, or elsewhere. The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of:

- (1) Boating and water safety;
- (2) Hunting and trapping;

- (3) Fishing, exclusive of fishing under the jurisdiction of the Marine Fisheries Commission; and
- (4) Activities in woodlands and on inland waters governed by G.S. 106-908 to G.S. 106-910.

In addition, protectors have jurisdiction over all offenses involving property of or leased by the Wildlife Resources Commission or occurring on wildlife refuges, game lands, or boating and fishing access areas managed by the Wildlife Resources Commission. The authority of protectors over offenses on public hunting grounds is governed by the jurisdiction granted the Commission in G.S. 113-264(c).

(c1) Inspectors and protectors have jurisdiction to enforce the provisions of Article 19B of Chapter 106 of the General Statutes pursuant to and within the parameters of a formal agreement entered into under G.S. 106-202.15(10).

...."

BEAVER MANAGEMENT ASSISTANCE PROGRAM CHANGES

SECTION 9. G.S. 113-291.10 reads as rewritten:

"§ 113-291.10. Beaver Damage Control Advisory Board.

(a) There is established the Beaver Damage Control Advisory Board. The Board shall consist of nine members, as follows:

- (1) The Executive Director of the North Carolina Wildlife Resources Commission, or his designee, who shall serve as chair;
- (2) The Commissioner of Agriculture, or a designee;
- (3) The Assistant Commissioner of the North Carolina Forest Service of the Department of Agriculture and Consumer Services, or a designee;
- (4) The Director of the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services, or a designee;
- (5) ~~The Director of the North Carolina Cooperative Extension Service, or a designee;~~ A representative of the North Carolina Association of County Commissioners;
- (6) The Secretary of Transportation, or a designee;
- (7) The State Director of the Wildlife Services Division of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or a designee;
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or a designee, representing private landowners; and
- (9) A representative of the North Carolina Forestry Association.

(b) The Beaver Damage Control Advisory Board shall develop a statewide program to control beaver damage on private and public lands. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:

- (1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;
- (2) Develop a priority system for responding to complaints about beaver damage;
- (3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;
- (4) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops; and
- (5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the program, and set salaries of personnel.

No later than ~~March 15~~ December 1 of each year, the Board shall issue a report to the Wildlife Resources Commission, the Senate and House Appropriations Subcommittees on Natural and

Economic Resources, and the Fiscal Research Division on the results of the program during the preceding year.

(c) The Wildlife Resources Commission shall implement the program, and may enter a cooperative agreement with the Wildlife Services Division of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to accomplish the program.

(d) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to use snares when trapping beaver pursuant to the beaver damage control program developed pursuant to this section. The provisions of Chapter 218 of the 1975 Session Laws; Chapter 492 of the 1951 Session Laws, as amended by Chapter 506 of the 1955 Session Laws; and Chapter 1011 of the 1983 Session Laws do not apply to trapping carried out in implementing the beaver damage control program developed pursuant to this section.

(e) In case of any conflict between G.S. 113-291.6(a) and G.S. 113-291.6(b) and this section, this section prevails.

(f) Each county that ~~volunteers~~ wishes to participate in this program for a given State fiscal year shall provide written notification of its wish to participate no later than ~~September 30 of that year~~ May 1 of the preceding fiscal year and shall ~~commit~~ remit the sum of ~~four-six~~ four thousand dollars ~~(\$4,000)~~ (\$6,000) in local funds no later than ~~September 30 of that year~~ July 31 of the fiscal year for which enrollment is sought. Funds, as appropriated for this program each fiscal year of the biennium, shall be paid from funds available to the Wildlife Resources Commission to provide the State share necessary to support this program, provided the sum of at least twenty-five thousand dollars (\$25,000) in federal funds is available each fiscal year of the biennium to provide the federal share."

CHANGES TO REGULATION OF CERTAIN REPTILES

SECTION 10.(a) G.S. 14-417 reads as rewritten:

"§ 14-417. Regulation of ownership or use of venomous reptiles.

(a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. ~~Transport containers shall be designed to be escape-proof and bite-proof.~~

(b) Each enclosure shall be clearly and visibly labeled "Venomous Reptile Inside" with scientific name, common name, appropriate antivenin, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenin, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile.

(c) In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement."

SECTION 10.(b) G.S. 14-417.1 reads as rewritten:

"§ 14-417.1. Regulation of ownership or use of large constricting snakes.

(a) As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.

(b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures shall be designed to be escape-proof and shall have an operable lock. ~~Transport containers shall be designed to be escape-proof.~~

(c) Each enclosure shall be labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany

the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.

(d) In the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement."

SECTION 10.(c) G.S. 14-417.2 reads as rewritten:

"§ 14-417.2. Regulation of ownership or use of crocodilians.

(a) All crocodilians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be ~~escape proof~~escape-proof and shall be locked.

(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.

(c) In the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement."

SECTION 10.(d) G.S. 14-419 reads as rewritten:

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

(a) In any case in which ~~any a~~ law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, ~~it shall be the duty of the officer and the officer is authorized, empowered, and directed~~ authorized and empowered to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of ~~either the Museum or Zoological Park~~ the North Carolina Department of Natural and Cultural Resources to identify the species, ~~assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver:~~ assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to its designated representative for the purpose of ascertaining whether the reptile is regulated under this Article. ~~In any case in which a law enforcement officer or animal control officer involved. In the case of escape, or if an officer, with probable cause to believe that reptile is being owned, possessed, used, transported, or trafficked in violation of this Article, determines that there is an immediate risk to officer safety or public safety, the officer shall not be required to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park as provided by this subsection and may kill the reptile.~~

(b) ~~If-If, based on available information, the officer, the Museum or Museum, the Zoological Park or their designated representatives find a designated representative of the Department of Natural and Cultural Resources finds that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the Museum or the Zoological Park or their designated representative a designated representative of the Department of Natural and Cultural Resources shall determine~~ assist the officer with determining an interim disposition of the reptile in a manner consistent with the safety of the public, until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which antivenin approved by the United States Food and Drug Administration is not readily available, the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973. ~~Where the Museum or the Zoological Park or their designated representative determines euthanasia is determined~~ is determined to be the appropriate interim disposition, or

where a reptile seized pursuant to this Article dies of natural or unintended causes, the ~~Museum, the Zoological Park, or their designated representatives parties involved~~ shall not be liable to the reptile's owner.

(b1) Upon conviction of any offense contained in this Article, the court shall order a final disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians, which may include the transfer of title to the State of North Carolina and shall include reimbursement by the owner for the ~~necessary~~ expenses incurred in the seizure, delivery, and storage thereof.

(c) ~~If the Museum or the Zoological Park or their designated representatives find that the~~ reptile is not a venomous reptile, large constricting snake, or crocodilian regulated under this Article, and either no ~~criminal warrants~~ criminal citations, warrants, or indictments are initiated against the owner in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of the law enforcement officer to return the reptile or reptiles to the person from whom they were seized within ~~15 days~~ days of the seizure."

SECTION 10.(e) G.S. 14-420 is repealed.

DEFINE BAITED AREA FOR PURPOSES OF WILD TURKEY HUNTING

SECTION 11. G.S. 113-291.1 reads as rewritten:

"§ 113-291.1. Manner of taking wild animals and wild birds.

...
(b) No wild animals or wild birds may be taken:

...
(2) With the use or aid of any artificial light, net, trap, snare, electronic or recorded animal or bird call, or fire, except as may be otherwise provided by statute[;] provided, however, that the Wildlife Resources Commission may adopt rules prescribing seasons and the manner of taking of wild animals and wild birds with the use of artificial light and electronic calls. No wild birds may be taken with the use or aid of salt, grain, fruit, or other bait. No black bear may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, except as provided by the rules of the Wildlife Resources Commission. However, no rule established by the Wildlife Resources Commission shall allow for the taking of a black bear with the use and aid of bear bait attractants, including scented sprays, aerosols, scent balls, and scent powders, and no rule established by the Wildlife Resources Commission shall allow for the taking of a black bear while it is consuming bait. No wild turkey may knowingly be taken from an area within 300 yards of any place in which bait has been placed until the expiration of 10 days after the bait has been consumed or otherwise removed. The taking of wild animals and wild birds with poisons, drugs, explosives, and electricity is governed by G.S. 113-261, G.S. 113-262, and Article 22A of this Subchapter.

Upon finding that the placement of processed food products in areas frequented by black bears is detrimental to the health of individual black bears or is attracting and holding black bears in an area to the extent that the natural pattern of movement and distribution of black bears is disrupted and bears' vulnerability to mortality factors, including hunting, is increased to a level that causes concern for the population, the Wildlife Resources Commission may adopt rules to regulate, restrict, or prohibit the placement of those products and prescribe time limits during which hunting is prohibited in areas where those products have been placed.

Any person who is convicted of unlawfully taking bear with the use or aid of any type of bait as provided by this subsection or by rules adopted pursuant to this subsection is punishable as provided by G.S. 113-294(c1).

...."

FEE REDUCTION OF LIFETIME HUNTING AND FISHING LICENSES ISSUABLE TO A VOLUNTEER FIREFIGHTER WHO HAS SERVED FOR AT LEAST FIVE YEARS

SECTION 12. G.S. 113-276 is amended by adding a new subsection to read:

"(o) An eligible member of a volunteer fire department 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 an individual appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under G.S. 58-86-25."

EFFECTIVE DATE

SECTION 13. Sections 1 through 6 of this act become effective September 1, 2019. Sections 7 and 12 of this act become effective October 1, 2019. Section 9 of this act becomes effective January 1, 2020. Section 10 of this act is effective December 1, 2019, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:19 p.m. this 27th day of August, 2019

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-198
SENATE BILL 584

AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO REGULATORY OFFENSES, TO EXTEND THE TIME FOR LOCAL GOVERNMENTS TO REPORT ORDINANCES WITH CRIMINAL PENALTIES, AND TO REQUIRE THE GENERAL STATUTES COMMISSION TO STUDY CURRENT OFFENSES NOT ENACTED BY STATUTE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-4.1. Legislative review of regulatory crimes.

(a) Any rule adopted or amended pursuant to Article 2A of Chapter 150B of the General Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties is subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more persons pursuant to G.S. 150B-21.3(b2).

(b) This section applies to rules adopted on or after January 1, 2020."

SECTION 2. Effective January 1, 2020, G.S. 150B-21.3(b1) reads as rewritten:

"(b1) Delayed Effective Dates. – ~~If~~ Except as provided in G.S. 14-4.1, if the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section."

SECTION 3. Section 1 of S.L. 2018-69 reads as rewritten:

"SECTION 1. All State agencies, boards, and commissions that have the power to define conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes defined by the agency, board, or commission that are in effect or pending implementation. Each agency, board, or commission shall submit the list to the Joint Legislative Administrative



Procedure Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety no later than ~~December 1, 2018~~ November 1, 2019."

SECTION 4. Section 3 of S.L. 2018-69 reads as rewritten:

"SECTION 3. Every county, city, town, or metropolitan sewerage district county with a population of 20,000 or more according to the last federal decennial census, city or town with a population of 1,000 or more according to the last federal decennial census, or metropolitan sewerage district that has enacted an ordinance punishable pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance. Each county, city, town, or metropolitan sewerage district shall submit the list to the Joint Legislative Administrative Procedure Oversight Committee ~~and the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2018~~ November 1, 2019."

SECTION 5. No ordinance adopted on or after January 1, 2020, and before January 1, 2022, by a county, city, or town that was required to report pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city, or town submitted the required report on or before November 1, 2019. Ordinances regulated by this section may still be subject to civil penalties as authorized by G.S. 153A-123 or G.S. 160A-175.

SECTION 6. The General Statutes Commission shall study the reports received pursuant to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make recommendations regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an agency, board, or commission, should have criminal penalties provided by a generally applicable State law. The Commission shall report to the 2020 Regular Session of the 2019 General Assembly and to the Joint Oversight Committee on General Government on or before May 1, 2020.

SECTION 7. G.S. 93A-8 reads as rewritten:

"§ 93A-8. Penalty for violation of Chapter.

Any person violating ~~the provisions of this Chapter~~ G.S. 93A-1 shall upon conviction thereof be deemed guilty of a Class 1 misdemeanor."

SECTION 8. Section 7 becomes effective December 1, 2019, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:12 p.m. this 14th day of August, 2019