

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 18
Jan 25, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30011-MHf-21

Short Title: Elk Conservation Permit Auction/Raffle.

(Public)

Sponsors: Representative Moss.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ISSUE TWO ELK
3 CONSERVATION PERMITS BY AUCTION AND RAFFLE AND TO MAKE
4 CONFORMING CHANGES TO VARIOUS WILDLIFE STATUTES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Directive to Commission. – The Wildlife Resources Commission
7 shall issue (i) one Elk Conservation Permit and one Youth Elk Conservation Permit by raffle and
8 (ii) one Elk Conservation Permit by auction as provided in this section. These permits shall be
9 issued in 2024 and apply for the 2024 elk season, pursuant to rules adopted by the Commission.
10 An Elk Conservation Permit or Youth Elk Conservation Permit obtained by auction or raffle is
11 nontransferable and may not be resold or reassigned. Only legal residents of the State are eligible
12 for the Youth Elk Conservation Permit.

13 **SECTION 1.(b)** Raffle. – The Commission shall conduct a raffle for one Elk
14 Conservation Permit. The Commission may adopt rules establishing the cost of a raffle ticket and
15 a limit on the number of tickets that may be purchased per individual.

16 **SECTION 1.(c)** Auction. – Notwithstanding Article 3 of Chapter 143 of the General
17 Statutes or any other provision of law pertaining to public contracting, the Commission shall
18 contract with a nonprofit wildlife conservation organization to conduct an auction for one Elk
19 Conservation Permit. The nonprofit wildlife conservation organization selected by the
20 Commission pursuant to this section must have been involved in the reintroduction of elk into
21 North Carolina.

22 **SECTION 1.(d)** Use of Proceeds. – Funds obtained through the raffle and auction
23 shall supplement, rather than replace, other funds budgeted for management of elk and shall be
24 allocated as follows:

25 (1) Raffle. – The Commission may retain the actual costs of administering the
26 raffle for an Elk Conservation Permit. The remaining proceeds from the raffle
27 shall be deposited in the Wildlife Resources Fund and used for the
28 conservation and management of elk.

29 (2) Auction. – The nonprofit wildlife conservation organization shall retain
30 twenty-five percent (25%) of the proceeds of the auction for an Elk
31 Conservation Permit. The remaining proceeds from the auction shall be
32 deposited in the Wildlife Resources Fund and used for the conservation and
33 management of elk.

34 **SECTION 1.(e)** Rules. – The Commission shall adopt rules on manner of take, to
35 provide a method to report the successful harvest of an elk, and for tagging requirements.



1 **SECTION 1.(f)** Report. – No later than March 1, 2025, the Commission shall submit
2 to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic
3 Resources and the Fiscal Research Division a report on the effectiveness of the auction and raffle
4 programs, including the amount of money raised, recommendations as to whether to continue the
5 programs, and if so, legislative recommendations to improve the programs.

6 **SECTION 2.** G.S. 113-129(7c) reads as rewritten:

7 "(7c) Game Animals. – Bear, fox, rabbit, squirrel, white-tailed deer, elk, and, except
8 when trapped in accordance with provisions relating to fur-bearing animals,
9 bobcat, opossum, and raccoon."

10 **SECTION 3.** G.S. 113-291.8 reads as rewritten:

11 **"§ 113-291.8. Requirement to display hunter orange.**

12 (a) Any person hunting game animals other than foxes, bobcats, raccoons, and opossum,
13 or hunting upland game birds other than wild turkeys, or hunting feral swine, with the use of
14 firearms, must wear a cap or hat on his head made of hunter orange material or an outer garment
15 of hunter orange visible from all sides. Any person hunting deer during a deer firearms season or
16 elk during an open elk season shall wear hunter orange. ~~orange in a manner that is visible from~~
17 ~~all directions.~~ Hunter orange material is a material that is a daylight fluorescent orange color.

18 This section does not apply to a landholder, his spouse, or children, who are hunting on land
19 held by the landholder. ~~This subsection shall be enforced by warning ticket only until October 1,~~
20 ~~1992, with respect to those hunting rabbit, squirrel, grouse, pheasant, and quail.~~

21 ~~(b) Any person violating this section during the 1987 big game hunting season shall be~~
22 ~~given a warning of violation only. Thereafter, any~~ Any person violating this section has
23 committed an infraction and shall pay a fine of twenty-five dollars (\$25.00). An infraction is an
24 unlawful act that is not a crime. The procedure for charging and trying an infraction is the same
25 as for a misdemeanor, but conviction of an infraction has no consequence other than payment of
26 a fine. A person convicted of an infraction may not be assessed court costs.

27 Wildlife Enforcement Officers are authorized to charge persons with the infraction created
28 by this section.

29 (c) Failure to wear hunter orange material in violation of this section shall not constitute
30 negligence per se or contributory negligence per se."

31 **SECTION 4.** Effective Date. – Section 3 of this act is effective December 1, 2023.
32 The remainder of this act is effective when it becomes law.