

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**HOUSE BILL 18**

Short Title: Elk Conservation Permit Auction/Raffle. (Public)

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

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

January 26, 2023

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ISSUE TWO ELK CONSERVATION PERMITS BY AUCTION AND RAFFLE AND TO MAKE CONFORMING CHANGES TO VARIOUS WILDLIFE STATUTES.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) Raffle. – The Commission may retain the actual costs of administering the raffle for an Elk Conservation Permit. The remaining proceeds from the raffle shall be deposited in the Wildlife Resources Fund and used for the conservation and management of elk.
- (2) Auction. – The nonprofit wildlife conservation organization shall retain twenty-five percent (25%) of the proceeds of the auction for an Elk Conservation Permit. The remaining proceeds from the auction shall be deposited in the Wildlife Resources Fund and used for the conservation and management of elk.



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

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

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

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

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

13 **"§ 113-291.8. Requirement to display hunter orange.**

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

20           This section does not apply to a landholder, his spouse, or children, who are hunting on land  
21 held by the landholder. ~~This subsection shall be enforced by warning ticket only until October 1,~~  
22 ~~1992, with respect to those hunting rabbit, squirrel, grouse, pheasant, and quail.~~

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

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

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

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