



# HOUSE BILL 371: Agency Powers and Duties/Technical Changes.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government II	<b>Date:</b>	April 19, 2017
<b>Introduced by:</b>	Reps. McGrady, McNeill, Hurley	<b>Prepared by:</b>	Nicholas Giddings Committee Counsel
<b>Analysis of:</b>	PCS to First Edition H371-CSBA-8		

**OVERVIEW:** *House Bill 371 would recodify certain statutes to clarify the Department of Natural and Cultural Resources' authority over recreation, federal recreation-related funding, and the North Carolina Zoological Park. The bill would also change the name of the Clean Water Management Trust Fund to the North Carolina Land and Water Preservation Trust Fund.*

*The PCS would do the following:*

- *Add sworn law-enforcement officers of the Department of Natural and Cultural Resources to the list of law-enforcement officers eligible for salary continuation for workers' compensation when injured in the line of duty.*
- *Remove the duty of the Secretary of the Department of Natural and Cultural Resources to adopt goals and objectives for the Zoological Park and require any sale, lease or trade by the Secretary to acquire, dispose of, or develop park property be conducted in accordance with generally accepted practices for accredited zoos and aquariums.*

**CURRENT LAW/BILL ANALYSIS:** House Bill 371 would do the following:

**Section 1:**

- Recodify G.S. 143-320(3) as G.S. 143B-135.44(3a) and G.S. 143-323(a) as G.S. 143B-153.58(a). This would transfer the duties concerning "recreation" from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). This would correct the department name which was incorrectly changed during the transition to the two departments (DEQ and DNCR).
- Recodify G.S. 143-323(d) as G.S. 143B-153.58(b). This would transfer authority from DEQ to DNCR to apply for, and accept, recreation-related funding from the federal government. The bill would also designate the Director of the Division of Parks and Recreation the authority to accept and administer funding through the federal Land and Water Conservation Fund or its successor.
  - This is an existing responsibility of the Parks and Recreation Director. The National Parks Service requires each state to have a "State Liaison Officer" (SLO) to administer the Land and Water Conservation Fund (LWCF) program, which has existed since the 1960's. The Parks and Recreation Director acts as the SLO, but the appointment must be made anew each time a new Governor is elected. This provision would reduce paperwork without changing the way the LWCF program works or altering the administrative responsibility of the Division of Parks and Recreation.

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- The PCS adds sworn law-enforcement officers of the Department of Natural and Cultural Resources to the list of law-enforcement officers eligible for salary continuation for workers' compensation when injured in the line of duty.

## Section 2:

- Currently, the North Carolina Zoological Park Council has a duty to advise the Secretary of DNCR (Secretary) on the basic concepts of and for the park and approve conceptual plans for the park and its buildings. The Council also advises on the construction, furnishings, equipment and operations of the park.
- House Bill 371 would change the title of Part 39 of Article 2 of Chapter 143B to "North Carolina Zoological Park".
- The PCS would remove the duty of the Secretary to adopt goals and objectives for the Zoological Park and advise the Zoological Park Director on those goals and objectives.
- The PCS would also require any sale, lease or trade by the Secretary to acquire, dispose of, or develop park property be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums.

## Section 3:

- Changes the name of the "Clean Water Management Trust Fund" to the "Land and Water Preservation Trust Fund". This more accurately reflects the scope of the Fund's work and was recommended by the Fund's board.
- Makes conforming changes throughout Chapter 143B of the General Statutes and directs the Revisor of Statutes to make conforming changes throughout the General Statutes.

**EFFECTIVE DATE:** Section 3 becomes effective January 1, 2018. The remainder of the act is effective when it becomes law.