



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 380: DNCR Add New Trails & Various Changes.

2019-2020 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 17, 2019
Introduced by:	Sens. Wells, Hise, Daniel	Prepared by:	Kyle Evans Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 380 would add two trails to the State Trails System, make various technical, clarifying, and conforming changes to the States Parks Act and the North Carolina Trails System Act, transfer authority to administer the federal Land and Water Conservation Fund to the Department of Natural and Cultural Resources, and reduce several park-related violations from Class 3 misdemeanors to infractions.

[As introduced, this bill was identical to H532, as introduced by Reps. Blackwell, Setzer, McGrady, Dobson, which is currently in House State and Local Government.]

BILL ANALYSIS:

Section 1 of Senate Bill 380 would authorize the Department of Natural and Cultural Resources (DNCR) to add the Overmountain Victory National Historic Trail to the State Parks System as a State trail, and directs DNCR to support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. On segments of the trail that cross property controlled by agencies or owners other than DNCR, the laws, rules, and policies of those agencies or owners shall govern the use of the property. This addition shall not be required to be accompanied by an appropriation, but the State may receive donations of appropriate land and may purchase other needed lands for the trail with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

Section 2.(a) would authorize DNCR to add the Wilderness Gateway Trail to the State Parks System as a State trail, and directs DNCR to support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. On segments of the trail that cross property controlled by agencies or owners other than DNCR, the laws, rules, and policies of those agencies or owners shall govern the use of the property. This addition shall not be required to be accompanied by an appropriation, but the State may receive donations of appropriate land and may purchase other needed lands for the trail with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

Section 2.(b) would direct the Division of Parks and Recreation within DNCR to study the feasibility of connecting the Town of Valdese, the City of Hickory, the Overmountain Victory State Trail, natural areas located within Burke and Catawba counties, as well as other communities and places of interest to the Wilderness Gateway State Trail. The Division would also be directed to specifically consider improving access from Interstate 40 to portions of South Mountains State Park. The Division would be directed to

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report its findings to the Environmental Review Commission and the Joint Legislative Oversight Committee on Agriculture and Natural and Economics Recourses no later than December 1, 2019.

Section 3 would make the following technical, clarifying, and conforming changes to the State Parks Act and the North Carolina Trails System Act:

- **Section 3.(a)** clarifies that DNCR has responsibility for the planning and coordination of State trails, as components of the State Parks System, authorized by the General Assembly.
- **Section 3.(b)** makes conforming changes, removing references to "scenic" and "recreation" trail classifications.
- **Section 3.(c)** changes the definition of "Trail" to remove the "park," "designated," "scenic," "recreation," and "connecting" classifications.
- **Section 3.(d)** makes conforming changes, removing references to "scenic," "recreation," and "connecting" trail classifications.
- **Section 3.(e)** requires that DNCR posts any selected trail route both online and at the proposed trail location, and removes the current requirement that the selected trail route is published in an newspaper of general circulation and the appropriate courthouse.
- **Section 3.(f)** clarifies that segments of State trails that cross property controlled by agencies or owners other than the Division of Parks and Recreation shall be governed by the laws, rules, and policies of those other agencies or owners.
- **Section 3.(g)** clarifies that nothing in the North Carolina Trails System Act would preclude a component of the National Trails System from becoming part of the State Trails System.

Section 4 would formally transfer authority to administer the federal Land and Water Conservation Fund from the Department of Environmental Quality to DNCR.¹ This section would also designate the Director of the Division of Parks and Recreation as having the authority and responsibility to accept or administer funding through the Land and Water Conservation Fund, subject to the State Budget Act.

Section 5.(a) would reduce the following violations from Class 3 misdemeanors to infractions, punishable by a penalty not to exceed \$25:

- Parking a motor vehicle outside of a designated area.
- Using skateboards, rollerblades, roller skates, or similar devices in prohibited areas.
- Bathing animals, or washing clothes or motor vehicles.
- Bathing, wading, surfing, diving, scuba diving, or swimming in undesignated areas.
- Carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach.
- Using boats, rafts, surfboards, personal watercraft, canoes, or other vessels in designated swimming areas.
- Fishing in nondesignated areas.

Court costs would not be assessed for anyone found responsible for violations of any of the above.

¹ The Division of Parks and Recreation currently administers the program in partnership with the National Park Service (and has done so since the inception of the program), but the statute that enables it to do this was not transferred from DEQ to DNCR when the Division was moved. The statute currently enables DEQ to administer the program, but the Division has been administering the Fund through a Memorandum of Understanding with DEQ.

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EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law. Section 5 would be effective when it becomes law and apply to offenses committed on or after that date.