



SENATE BILL 433: DNCR Omnibus.

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

2019-2020 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 1, 2019
Introduced by:	Sens. Burgin, Ballard, Woodard	Prepared by:	Kyle Evans Committee Counsel
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 433 would make various changes to the statutes governing the Department of Natural and Cultural Resources (DNCR), as recommended by DNCR.*

BILL ANALYSIS:

Section 1 of Senate Bill 433 would authorize the Secretary of DNCR to adopt rules governing the North Carolina Zoo, and to acquire, sell, or develop real and personal zoo property in accordance with generally accepted practices for AZA-accredited zoos and aquariums.

Section 2 would reduce violations of the following acts 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.

Section 3 would make various changes to the statutes concerning regulation of certain reptiles, including:

- Under current law, permanent enclosures for venomous reptiles must be escape-proof, bite-proof, and have an operable lock, while transport containers for venomous reptiles must only be designed to be escape-proof and bite-proof. This section would require transport containers for venomous reptiles also to have an operable lock.
- Under current law, permanent enclosures for large constricting snakes must be escape-proof and have an operable lock, while transport containers must only be escape-proof. This section would require transport containers for large constricting snakes also to have an operable lock.

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- Under current law, permanent enclosures for crocodilians must be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and have an operable lock, while transport containers must be escape-proof. This section would require transport containers to be locked when in use.
- Under current law, if a law enforcement officer or animal control officer believes that the reptile laws have been or are about to be violated, the officer has a duty to investigate the violation and consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoo to assist with the identification, interim disposition, and appropriate handling and seizure of any reptile in the course of the officer's investigation. This section would give an officer discretion over whether to investigate the violation, and would provide that that a designated representative of the Department of Natural and Cultural Resources may assist the law enforcement or animal control officer with the officer's investigation.
- This section would repeal the requirement that enforcement officers arrest any person owning, possessing, using, transporting, or trafficking a venomous reptile, large constricting snake, or crocodilian in violation of the Article concerning regulation of those reptiles.

Section 4 would transfer authority to administer the federal Land and Water Conservation Fund from the Department of Environmental Quality to the Department of Natural and Cultural Resources.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 would remove from the Museum of Art's Board of Trustees the authority to develop rules and regulations governing the employment, promotion, demotion, and dismissal of associate directors and curators.

Section 6 makes a technical correction..

EFFECTIVE DATE: This act would be effective when it becomes law.

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.