



SENATE BILL 433: DNCR Omnibus & Other Changes.

2019-2020 General Assembly

Committee:		Date:	December 4, 2019
Introduced by:		Prepared by:	Kyle Evans Staff Attorney
Analysis of:	S.L. 2019-241		

OVERVIEW: *S.L. 2019-241 amends State law as follows:*

- *Makes various changes to the statutes governing the Department of Natural and Cultural Resources (DNCR).*
- *Removes certain lands from the State Nature and Historic Preserve, as recommended by DNCR.*
- *Directs the NC Policy Collaboratory (Collaboratory) to create an inventory of aqueous film-forming foam currently in use by North Carolina fire departments and develop a process for the safe collection and disposal of unneeded foam.*
- *Extends the deadline for Collaboratory study on nontargeted PFAS analysis.*
- *Makes other various changes to certain effective dates and certain funding for disaster recovery and emergency operating funds for utilities.*
- *Adjusts for inflation the threshold for Department of Administration approval of State leases.*
- *Clarifies and amends the septic tank site suitability determination process.*

This act became effective November 6, 2019, except that the section of the act pertaining to certain State park violations became effective December 1, 2019 and applies to offenses committed on or after that date.

BILL ANALYSIS:

Section 1 authorizes 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 zoos and aquariums accredited by the American Association of Zoos and Aquariums.

Section 2 reduces 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.

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- Fishing in nondesignated areas.

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

This section became effective December 1, 2019, and applies to offenses committed on or after that date.

Section 3 removes 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 4 makes a technical correction, concerning recodification.

Section 5. Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 143-260.8 provides conditions and procedures for additions to, and deletions from, the Preserve, which must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

Section 5 of the act excepts from dedication and deletes from the State Nature and Historic Preserve three parcels as follows:

- William B. Umstead State Park: This clause excepts one small parcel of approximately 0.15 acres located on the north side of US 70 across from the park entrance. This small parcel along with the adjacent 22 acre tract will be exchanged for additional property adjacent to existing park property on the south side of US 70. The new property will provide improved access and additional buffer for the park from continued commercial development along US 70.
- Hanging Rock State Park: This clause excepts a 1.5 acre parcel that will resolve an encroachment of a barn on the adjacent private tract and will also be used in exchange for an equestrian trail easement across the owner's property. The trail easement is needed to connect the newly acquired Vade Mecum section of the park with the trail system on the main body of the park. The property is also deleted from the State Parks System.
- Chimney Rock State Park: This clause excepts 28.84 acres needed as an exchange of property with a nearby landowner whose property is needed in order to develop a public access area and trailhead off Worlds Edge Road. Currently there is no public access for the southern end of the park. A portion of the 28 acre tract will be exchanged for a 6 acre inholding that is currently blocking development of the public access. A portion of the 28 acres may also be used to exchange for a 10 acre inholding along the Cane Creek Mountain ridge which is needed for future trail development. The property is also deleted from the State Parks System. Exchanges will be equivalent, and any acreage not exchanged will stay in the park.

Section 6 allows DNCR to partner with a nonprofit to establish satellite museums of the North Carolina State Museum of Natural Sciences that are administered by the nonprofit, if the museum meets certain requirements.

Section 7 directs the NC Policy Collaboratory at the University of North Carolina at Chapel Hill to create an inventory of aqueous film-forming foam used or stored on the premises of fire departments in North Carolina and develop a process for collecting and disposing of unneeded AFFF inventories held by those fire departments. The Collaboratory must make an interim report to specified committees of the General Assembly no later than April 1, 2020, with a final report due no later than October 15, 2020.

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Section 7.(d) extends the deadline for a Collaboratory study created in the 2018 Appropriations Act ([S.L. 2018-5](#)), regarding nontargeted analysis for PFAS, from December 1, 2019, to October 15, 2020. This section also requires the Collaboratory to report the results of that study to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, in addition to the interim committees and agencies already specified.

Section 8 clarifies that funding for coastal beach and dredging needs assessment provided by the Hurricane Florence Disaster Recovery Act (S.L. 2018-136) may be used to assess disposal areas for dredged material through a dredge material management plan.

Section 9 clarifies reimbursement procedures for certain coastal storm damage mitigation projects funded by allocations from the Hurricane Florence Disaster Recovery Fund to the Coastal Storm Damage Mitigation Fund that also receive federal funding.

Section 10 amends an effective date in Senate Bill 553 (Regulatory Reform Act of 2019), if that bill becomes law. A provision in the bill makes changes regarding evaluation of applications for loans or grants from the Wastewater Reserve or the Drinking Water Reserve, and those changes become effective July 1 of this year. This section would push the effective date of that provision to December 1, 2019.

Section 11 permits funds from the Wastewater Reserve and the Drinking Water Reserve to be used during the 2019-2020 fiscal year to provide grants to the Local Government Commission to fund operating deficits of a public water or wastewater system when (1) the system has been taken over by the Local Government Commission or (2) the charter of the local government or public authority owning the system has been revoked by a local act of the General Assembly. The section also provides for a repeal of S.L. 2019-226, an act taking an alternate approach to use of funds from the Drinking Water and Wastewater for emergency operating deficits. Finally, if provisions currently pending in two other bills creating the Viable Utility Reserve become law, the section amends those provisions to allow the Reserve to be used for emergency grants for operating deficits incurred by water and wastewater systems in an amount not to exceed \$750,000 a year for up to three consecutive fiscal years.

Section 12 adjusts a dollar threshold regarding Department of Administration (DOA) lease provisions from \$25,000 to \$40,000. Prior to enactment of this act, the statute provided that if a State agency wants to rent or lease land, and the rental is estimated to exceed \$25,000/year, DOA must require the agency to issue a request for proposals from potential lessors.

Section 13 clarifies a provision relating to the septic tank site suitability in Senate Bill 553 (Regulatory Reform Act of 2019), if that bill becomes law. A provision in the bill allows an alternative site suitability determination process for septic tanks, if the tank system meets certain criteria. This section requires substantiating data to indicate that the system functions satisfactorily and meets the criteria, and also provides that the Department of Health and Human Services has no liability for septic tank systems designed, constructed, or installed pursuant to this alternative site suitability determination process.

EFFECTIVE DATE: Except as otherwise provided, this act became effective November 6, 2019.

Nicholas Giddings, Jeff Cherry, and Wendy Graf Ray, staff attorneys, substantially contributed to this summary.