



# SENATE BILL 433: DNCR Omnibus & Other Changes.

2019-2020 General Assembly

|                       |  |                     |                 |
|-----------------------|--|---------------------|-----------------|
| <b>Committee:</b>     | House Rules, Calendar, and Operations of the House | <b>Date:</b>        | October 1, 2019 |
| <b>Introduced by:</b> | Sens. Burgin, Ballard, Woodard                     | <b>Prepared by:</b> | Wendy Ray       |
| <b>Analysis of:</b>   | PCS to Third Edition<br>S433-CSSUy-49              |                     | Staff Attorney  |

**OVERVIEW:** Senate Bill 433 would make various changes to the statutes governing the Department of Natural and Cultural Resources (DNCR), and remove certain lands from the State Nature and Historic Preserve, as recommended by DNCR.

The PCS would add the following new provisions to the bill:

- Make additions to reports of the North Carolina Policy Collaboratory regarding firefighting foam.
- Clarify certain appropriations for disaster recovery.
- Correct an effective date in the Regulatory Reform Act of 2019.
- Repeal and replace the contents of S.L. 2019-226 (S691 – Emergency Operating Funds for Utilities).

### 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 zoos and aquariums accredited by the American Association of 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.

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This section would become effective December 1, 2019, and apply to offenses committed on or after that date.

**Section 3** 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 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 bill would except from dedication and delete 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 also needs to be 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 also needs to be deleted from the State Parks System. Exchanges will be equivalent, and any acreage not exchanged will stay in the park.

**Section 6** would allow 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. This partnership would enhance the exhibits and offerings at the satellite museums.

**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 report to specified interim committees of the General Assembly no later than April 1, 2020.

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**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** would amend 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 November 1, 2019.

**Section 11** would permit 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.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.

*Kyle Evans, Nicholas Giddings, and Jeff Cherry, staff attorneys, substantially contributed to this summary.*