

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Mar 28, 2019
S.B. 433
PRINCIPAL CLERK

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SENATE BILL DRS45180-MH-90

Short Title: DNCR Omnibus.-AB

(Public)

Sponsors: Senators Burgin, Ballard, and Woodard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
3 DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, AS RECOMMENDED
4 BY THE DEPARTMENT.

5 The General Assembly of North Carolina enacts:

6
7 **ZOOLOGICAL PARK STATUTORY AUTHORITY**

8 **SECTION 1.(a)** The title of Part 39 of Article 2 of Chapter 143B of the General
9 Statutes reads as rewritten:

10 "Part 39. North Carolina Zoological ~~Park Council.~~ Park."

11 **SECTION 1.(b)** Part 39 of Article 2 of Chapter 143B of the General Statutes, as
12 amended by subsection (a) of this section, is amended by adding a new section to read:

13 **"§ 143B-135.204. Powers and duties of the Secretary.**

14 (a) Operation of Park. – The Secretary of the Department of Natural and Cultural
15 Resources may adopt rules governing the operation of the Zoological Park, including rules
16 regulating its use and enjoyment by the public.

17 (b) Park Property. – The Secretary of the Department of Natural and Cultural Resources
18 may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale,
19 lease, or trade under this subsection must be conducted in accordance with generally accepted
20 practices for zoos and aquariums that are accredited by the American Association of Zoos and
21 Aquariums."

22
23 **REDUCE CERTAIN CLASS 3 MISDEMEANORS TO INFRACTIONS AT STATE**
24 **PARKS**

25 **SECTION 2.** G.S. 143B-135.16(a) reads as rewritten:

26 **"§ 143B-135.16. Control over State parks; operation of public service facilities; concessions**
27 **to private concerns; authority to charge fees and adopt rules.**

28 (a) The Department shall make reasonable rules governing the use by the public of State
29 parks and State lakes under its charge. These rules shall be posted in conspicuous places on and
30 adjacent to the properties of the State and at the courthouse of the county or counties in which
31 the properties are located. A violation of these rules is punishable as a Class 3 misdemeanor.
32 Notwithstanding any other provision of law, violations of rules regarding the following shall be
33 punishable as an infraction and carry a penalty of not more than twenty-five dollars (\$25.00):

34 (1) Parking a motor vehicle outside of a designated area.

35 (2) Persons using skateboards, rollerblades, roller skates, or similar devices in
36 prohibited areas.



- 1 (3) Persons bathing animals or washing clothes or motor vehicles.
- 2 (4) Persons bathing, wading, surfing, diving, scuba diving, or swimming in
- 3 undesignated areas.
- 4 (5) Persons carrying or depositing glass, crockery, or any metallic substance on a
- 5 swimming area or beach.
- 6 (6) Persons using boats, rafts, surfboards, personal watercraft, canoes, or other
- 7 vessels in designated swimming areas.
- 8 (7) Persons fishing in nondesignated areas.

9 A person found responsible for a violation carrying a penalty of an infraction of this section shall
 10 not be assessed court costs for the infraction."

11
 12 **AMEND VENOMOUS REPTILES AND CONSTRICTING SNAKE STATUTES**

13 **SECTION 3.** Article 55 of Chapter 14 of the General Statutes reads as rewritten:

14 "Article 55.

15 "Regulation of Certain Reptiles.

16 ...

17 **"§ 14-417. Regulation of ownership or use of venomous reptiles.**

18 (a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any
 19 venomous reptile that is not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~
 20 Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Transport
 21 containers shall be designed to be escape-proof and bite-proof.

22 ...

23 **"§ 14-417.1. Regulation of ownership or use of large constricting snakes.**

24 (a) As used in this Article, large constricting snakes shall mean: Reticulated Python,
 25 Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae;
 26 Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of
 27 their subspecies or hybrids.

28 (b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of
 29 the large constricting snakes that are not housed in a sturdy and secure enclosure. ~~Permanent~~
 30 enclosures-Enclosures shall be designed to be escape-proof and shall have an operable lock.
 31 Transport containers shall be designed to be escape-proof.

32 ...

33 **"§ 14-417.2. Regulation of ownership or use of crocodilians.**

34 (a) All crocodilians, excluding the American alligator, shall be regulated under this
 35 Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any
 36 crocodilian that is not housed in a sturdy and secure enclosure. ~~Permanent enclosures~~ Enclosures
 37 shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact
 38 between an observer and the crocodilian and shall have an operable lock. Transport containers
 39 shall be designed to be escape-proof. escape-proof and shall be locked when in use.

40 (b) A written safety protocol and escape recovery plan shall be within sight of permanent
 41 housing, and a copy must accompany the transport of any crocodilian.

42 (c) In the event of the escape of a crocodilian, the owner or possessor shall immediately
 43 notify local law enforcement.

44 ...

45 **"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;
 46 disposition of reptiles.**

47 (a) In any case in which ~~any a~~ a law-enforcement officer or animal control officer has
 48 probable cause to believe that any of the provisions of this Article have been or are about to be
 49 violated, ~~it shall be the duty of the officer and the officer is authorized, empowered, and directed~~
 50 authorized and empowered to immediately investigate the violation or impending violation and
 51 to consult with representatives of the North Carolina Museum of Natural Sciences or the North

1 Carolina Zoological Park or a designated representative of either the Museum or Zoological Park
2 the Department of Natural and Cultural Resources to identify the species of reptile, assist with
3 determining interim disposition, and recommend appropriate and safe methods to handle and
4 seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the officer is
5 authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina
6 State Museum of Natural Sciences or to its designated representative for examination for the
7 purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile
8 believed to be a large constricting snake or crocodylian to the North Carolina Zoological Park or
9 to its designated representative for the purpose of ascertaining whether the reptile is regulated
10 under this Article. In any case in which a law enforcement officer or animal control officer
11 involved. When there is an escape of one or more reptiles, or when an officer with probable cause
12 to believe that one or more reptiles are being owned, possessed, used, transported, or trafficked
13 in violation of this Article determines that there is an immediate risk to the safety of the officer
14 or public safety, the officer shall not be required to consult with representatives of the North
15 Carolina Museum of Natural Sciences or the North Carolina Zoological Park as provided by this
16 subsection and may kill the reptile.

17 (b) ~~If the Museum or officer, the Museum, the Zoological Park Park, or their a designated~~
18 ~~representatives find representative of the Department of Natural and Cultural Resources find,~~
19 based on available information, that a seized reptile is a venomous reptile, large constricting
20 snake, or crocodylian regulated under this Article, the ~~Museum or Museum,~~ the Zoological Park
21 or ~~their the~~ designated representative of the Department of Natural and Cultural Resources shall
22 ~~determine assist the officer in determining an interim disposition of the reptile in a manner~~
23 ~~consistent with the safety of the public, until a final disposition is determined by a court of~~
24 ~~competent jurisdiction. In the case of a venomous reptile for which antivenin-antivenom approved~~
25 ~~by the United States Food and Drug Administration is not readily available, the reptile may be~~
26 ~~ethanized unless the species is protected under the federal Endangered Species Act of 1973.~~
27 ~~Where the Museum or the Zoological Park or their designated representative determines there is~~
28 a determination as provided in this subsection that euthanasia to be is the appropriate interim
29 disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes,
30 the Museum, the Zoological Park, or their designated representatives parties involved shall not
31 be liable to the reptile's owner.

32 (b1) Upon conviction of any offense contained in this Article, the court shall order a final
33 disposition of the confiscated venomous reptiles, large constricting snakes, or crocodylians,
34 which may include the transfer of title to the State of North Carolina and shall include
35 reimbursement by the owner of the reptile for the necessary expenses incurred in the seizure,
36 delivery, and storage thereof.

37 (c) ~~If the Museum or the Zoological Park or their designated representatives find that the~~
38 ~~reptile is not a venomous reptile, large constricting snake, or crocodylian regulated under this~~
39 ~~Article, and either no criminal warrants-citations, warrants, or indictments are initiated against~~
40 the reptile's owner in connection with the reptile within 10 days of initial seizure, or a court of
41 law determines that the reptile is not being owned, possessed, used, transported, or trafficked in
42 violation of this Article, then it shall be the duty of the law enforcement officer to return the
43 reptile or reptiles to the person from whom they were seized within 15 days-days of the seizure.

44 **"§ 14-420. Arrest of persons violating provisions of Article.**

45 ~~If an examination made by the North Carolina State Museum of Natural Sciences or the North~~
46 ~~Carolina Zoological Park or their designated representatives conducted pursuant to this Article~~
47 ~~shows that the reptile is a venomous reptile, large constricting snake, or crocodylian subject to~~
48 ~~this Article, it shall be the duty of the officer making the seizure with probable cause to believe~~
49 ~~that the reptile is being owned, possessed, used, transported, or trafficked in violation of this~~
50 ~~Article, to arrest all persons violating any of the provisions of this Article.~~

51"

STATUTORY AUTHORITY REGARDING RECREATION

SECTION 4.(a) Subsections (a) and (d) of G.S. 143-323 are recodified as subsections (a) and (b) of G.S. 143B-135.60, to be entitled "Additional powers and duties of the Department regarding recreation."

SECTION 4.(b) G.S. 143B-135.60, as enacted by subsection (a) of this section, reads as rewritten:

"§ 143B-135.60. Additional powers and duties of the Department regarding recreation.

(a) Recreation. – The Department of ~~Environmental Quality~~ shall have the following powers and duties with respect to recreation:

- (1) To study and appraise the recreation needs of the State and to assemble and disseminate information relative to recreation.
- (2) To cooperate in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, to aid them in the administration, finance, planning, personnel, coordination and cooperation of recreation organizations and programs.
- (3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.
- (4) To establish and promote recreation standards.
- (5) To cooperate with appropriate State, federal, and local agencies and private membership groups and commercial recreation interests in the promotion of recreation opportunities, and to represent the State in recreation conferences, study groups, and other matters of recreation concern.
- (6) To accept gifts, devises, and endowments. The funds, if given as an endowment, shall be invested in securities designated by the donor, or if there is no such designation, in securities in which the State sinking fund may be invested. All such gifts and devises and all proceeds from such invested endowments shall be used for carrying out the purposes for which they were made.
- (7) To advise agencies, departments, organizations and groups in the planning, application and use of federal and State funds which are assigned or administered by the State for recreation programs and services on land and water recreation areas and on which the State renders advisory or other recreation services or upon which the State exercises control.
- (8) To act jointly, when advisable, with any other State, local or federal agency, institution, private individual or group in order to better carry out the Department's objectives and responsibilities.

(b) Federal Assistance. – The Department, with the approval of the Governor, may apply for and accept grants from the federal government and its agencies and from any foundation, corporation, association, or individual, and may comply with the terms, conditions, and limitations of the grant, in order to accomplish any of the purposes of the Department. Grant funds shall be expended pursuant to the ~~Executive Budget Act~~, State Budget Act. The Director of the Department's Division of Parks and Recreation shall be designated as having the authority and responsibility to accept and administer funding through the federal Land and Water Conservation Fund or any successor fund established for similar purposes, and the Secretary may designate additional personnel to assist the Director in the responsibilities imposed by this subsection."

CLARIFY EMPLOYMENT STATUS FOR CERTAIN MUSEUM OF ART EMPLOYEES

SECTION 5. G.S. 140-5.15 reads as rewritten:

"§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.

1 ...
2 (e) The Director, associate directors, and curators shall be exempt from the provisions of
3 the North Carolina Human Resources Act. ~~The Board of Trustees shall adopt, subject to the~~
4 ~~approval of the Secretary of Natural and Cultural Resources, rules and regulations governing the~~
5 ~~employment, promotion, demotion, and dismissal of associate directors and curators."~~
6

7 **TECHNICAL CORRECTION**

8 **SECTION 6.** G.S. 113A-129.3 reads as rewritten:

9 "(b) To the extent feasible, lands and waters within this system shall be dedicated as
10 components of the "State Nature and Historic Preserve" as provided in Article XIV, Section 5,
11 of the Constitution and as nature reserves pursuant to ~~G.S. 113A-164.1 to G.S.~~
12 ~~113A-164.11; G.S. 143B-135.250 to G.S. 143B-135.270."~~
13

14 **EFFECTIVE DATE**

15 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
16 law.