

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 325
Mar 18, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH70138-RIF-12 (12/05)

Short Title: Park Fees for Active Duty Military/Veterans. (Public)

Sponsors: Representative McElraft.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL
3 RESOURCES TO SET REDUCED FEES FOR USE OF FACILITIES AND
4 CONVENIENCES AT STATE PARKS AND STATE LAKES FOR ACTIVE DUTY
5 MILITARY PERSONNEL AND VETERANS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-35 reads as rewritten:

8 **"§ 113-35. Control over State parks; operation of public service facilities; concessions to**
9 **private concerns; authority to charge fees and adopt rules.**

10 (a) The Department shall make reasonable rules governing the use by the public of
11 State parks and State lakes under its charge. These rules shall be posted in conspicuous places
12 on and adjacent to the properties of the State and at the courthouse of the county or counties in
13 which the properties are located. A violation of these rules is punishable as a Class 3
14 misdemeanor.

15 (a1) The Department may adopt rules under which the Secretary may issue a special-use
16 permit authorizing the use of pyrotechnics in State parks in connection with public exhibitions.
17 The rules shall require that experts supervise the use of pyrotechnics and that written
18 authorization for the use of pyrotechnics be obtained from the board of commissioners of the
19 county in which the pyrotechnics are to be used, as provided in G.S. 14-410. The Secretary may
20 impose any conditions on a permit that the Secretary determines to be necessary to protect
21 public health, safety, and welfare. These conditions shall include a requirement that the
22 permittee execute an indemnification agreement with the Department and obtain general
23 liability insurance covering personal injury and property damage that may result from the use
24 of pyrotechnics with policy limits determined by the Secretary.

25 (b) The Department may construct, operate, and maintain within the State parks, State
26 lakes, and other areas under its charge suitable public service facilities and conveniences, and
27 may charge and collect reasonable fees for the use of these facilities and conveniences. The
28 Department may also charge and collect reasonable fees for each of the following:

- 29 (1) The erection, maintenance, and use of docks, piers, and any other structures
30 permitted in or on State lakes under rules adopted by the Department.
31 (2) Fishing privileges in State parks and State lakes, provided that these
32 privileges shall be extended only to holders of State hunting and fishing
33 licenses who comply with all State game and fish laws.
34 (3) Vehicle access for off-road driving at the beach at Fort Fisher State
35 Recreation Area.
36 (4) The erection, maintenance, and use of a marina at Carolina Beach.



* D R H 7 0 1 3 8 - R I F - 1 2 *

1 (b1) Members of the public who pay a fee under subsection (b) of this section for access
2 to Fort Fisher State Recreation Area may have 24-hour access to Fort Fisher State Recreation
3 Area from September 15 through March 15 of each year.

4 (b2) The Department may charge and collect reduced fees for any of the purposes set
5 forth in subsection (b) of this section for persons on active duty with the Armed Forces of the
6 United States and for veterans of the Armed Forces of the United States.

7 (c) The Department may make reasonable rules for the operation and use of boats or
8 other craft on the surface of the waters under its charge. The Department may charge and
9 collect reasonable fees for the use of boats and other watercraft that are purchased and
10 maintained by the Department; however, the Department shall not charge a fee for the use or
11 operation of any other boat or watercraft on these waters.

12 (d) The Department may grant to private individuals or companies concessions for
13 operation of public service facilities for such periods and upon such conditions as the
14 Department deems to be in the public interest. The Department may adopt reasonable rules for
15 the regulation of the use by the public of the lands and waters under its charge and of the public
16 service facilities and conveniences authorized under this section. A violation of these rules is
17 punishable as a Class 3 misdemeanor.

18 (d1) The Department shall implement the following recommendations: validate no less
19 frequently than every five years the number of visitors per car used in the calculation of visitor
20 counts at State Parks.

21 (e) The authority granted to the Department under this section is in addition to any
22 authority granted to the Department under any other provision of law."

23 **SECTION 2.** This act is effective when it becomes law.