A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES AND TO REMOVE
CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS
RECOMMENDED BY THE DEPARTMENT.
The General Assembly of North Carolina enacts:

ZOOCOLOGICAL PARK STATUTORY AUTHORITY

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

SECTION 1.(b) Part 39 of Article 2 of Chapter 143B of the General Statutes, as
amended by subsection (a) of this section, is amended by adding a new section to read:
"§ 143B-135.204. Powers and duties of the Secretary.
(a) Operation of Park. – The Secretary of the Department of Natural and Cultural
Resources may adopt rules governing the operation of the Zoological Park, including rules
regulating its use and enjoyment by the public.
(b) Park Property. – The Secretary of the Department of Natural and Cultural Resources
may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale,
lease, or trade under this subsection must be conducted in accordance with generally accepted
practices for zoos and aquariums that are accredited by the American Association of Zoos and
Aquariums."

REDUCE CERTAIN CLASS 3 MISDEMEANORS TO INFRACTIONS AT STATE
PARKS

SECTION 2.(a). G.S. 143B-135.16(a) reads as rewritten:
"§ 143B-135.16. Control over State parks; operation of public service facilities; concessions
to private concerns; authority to charge fees and adopt rules.
(a) The Department shall make reasonable rules governing the use by the public of State
parks and State lakes under its charge. These rules shall be posted in conspicuous places on and
adjacent to the properties of the State and at the courthouse of the county or counties in which
the properties are located. A violation of these rules is punishable as a Class 3 misdemeanor. Notwithstanding any other provision of law, violations of rules regarding the following shall be
punishable as an infraction and carry a penalty of not more than twenty-five dollars ($25.00):
(1) Parking a motor vehicle outside of a designated area.
(2) Persons using skateboards, rollerblades, roller skates, or similar devices in prohibited areas.
(3) Persons bathing animals or washing clothes or motor vehicles.
(4) Persons bathing, wading, surfing, diving, scuba diving, or swimming in undesignated areas.
(5) Persons carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach.
(6) Persons using boats, rafts, surfboards, personal watercraft, canoes, or other vessels in designated swimming areas.
(7) Persons fishing in nondesignated areas.

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

SECTION 2.(b). This section becomes effective December 1, 2019, and applies to offenses committed on or after that date.

AMEND VENOMOUS REPTILES AND CONstrictING SNAKE STATUTES

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

"Article 55.

§ 14-417. Regulation of ownership or use of venomous reptiles.
(a) It shall be unlawful for any person to own, possess, use, transport, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Transport containers shall be designed to be escape-proof and bite-proof.

§ 14-417.1. Regulation of ownership or use of large constricting snakes.
(a) As used in this Article, large constricting snakes shall mean: Reticulated Python, Python reticulatus; Burmese Python, Python molurus; African Rock Python, Python sebae; Amethystine Python, Morelia amethystina; and Green Anaconda, Eunectes murinus; or any of their subspecies or hybrids.
(b) It shall be unlawful for any person to own, possess, use, transport, or traffic in any of the large constricting snakes that are not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and shall have an operable lock. Transport containers shall be designed to be escape-proof.

§ 14-417.2. Regulation of ownership or use of crocodilians.
(a) All crocodilians, excluding the American alligator, shall be regulated under this Article. It shall be unlawful for any person to own, possess, use, transport, or traffic in any crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian and shall have an operable lock. Transport containers shall be designed to be escape-proof and shall be locked when in use.
(b) A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy must accompany the transport of any crocodilian.
(c) In the event of the escape of a crocodilian, the owner or possessor shall immediately notify local law enforcement.

§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.
(a) In any case in which any law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of the officer and the officer is authorized, empowered, and directed authorized and empowered to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of either the Museum or Zoological Park the Department of Natural and Cultural Resources to identify the species of reptile, assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles involved, to seize the reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile believed to be venomous to the North Carolina State Museum of Natural Sciences or to its designated representative for examination for the purpose of ascertaining whether the reptile is regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or crocodilian to the North Carolina Zoological Park or to its designated representative for the purpose of ascertaining whether the reptile is regulated under this Article. In any case in which a law enforcement officer or animal control officer involved. When there is an escape of one or more reptiles, or when an officer with probable cause to believe that one or more reptiles are being owned, possessed, used, transported, or trafficked in violation of this Article determines that there is an immediate risk to the safety of the officer or public safety, the officer shall not be required to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park as provided by this subsection and may kill the reptile.

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

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

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

shows that the reptile is a venomous reptile, large constricting snake, or crocodilian subject to this Article, it shall be the duty of the officer making the seizure with probable cause to believe that the reptile is being owned, possessed, used, transported, or trafficked in violation of this Article, to arrest all persons violating any of the provisions of this Article.

..."
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."

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

**TECHNICAL CORRECTION**

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

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

**REMOVAL OF CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE**

**SECTION 7.** G.S. 143-260.10 reads as rewritten:

"§ 143-260.10. Components of State Nature and Historic Preserve."

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

... All lands and waters within the boundaries of William B. Umstead State Park as of May 2, 2017, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 1337, Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.
(12) All lands and waters located within the boundaries of Hanging Rock State Park as of May 2, 2017, with the exception of the following tracts:
   a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C." by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.
   b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing 'Camp Sertoma Tracts'" by C.E. Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 2, 2017, with the exception of the following tracts:
   a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
   b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may...
provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.

c.
The portion of that certain tract or parcel of property at Chimney Rock State Park in Polk County, Cooper Gap Township, described in Deed Book 393, Page 1402, containing 28.84 acres, as shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The property described in subsection (a) of this section is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State may only exchange this property for other property for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State shall not otherwise sell or exchange this land.

EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.