

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 160  
Corrected Copy 3/5/15  
Appropriations/Base Budget Committee Substitute Adopted 4/1/15  
Finance Committee Substitute Adopted 5/14/15

Short Title: Enhance Safety & Commerce for Ports/Inlets.

(Public)

Sponsors:

Referred to:

March 4, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE DREDGING AND MAINTENANCE OF THE STATE'S  
3 WATERWAYS IN ORDER TO ENHANCE SAFETY AND COMMERCE.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. SHALLOW DRAFT NAVIGATION FUND AMENDMENTS**

7 **SECTION 1.(a)** G.S. 143-215.73F reads as rewritten:

8 "**§ 143-215.73F. Shallow Draft Navigation Channel Dredging and Lake Maintenance**  
9 **Fund.**

10 (a) Fund Established. – The Shallow Draft Navigation Channel Dredging and Lake  
11 Maintenance Fund is established as a special revenue fund. The Fund consists of fees credited  
12 to it under G.S. 75A-3, 75A-38, and ~~105-449.126~~ 105-449.126 and monies contributed by a  
13 non-State entity designated for a particular dredging project or group of projects.

14 (b) Uses of the Fund. – Revenue ~~in~~ credited to the Fund may only be used for the  
15 following purposes:

16 (1) ~~to~~ To provide the State's share of the costs associated with ~~any~~ a dredging  
17 project designed to keep shallow draft navigation channels located in State  
18 waters or waters of the ~~state~~ State located within lakes navigable and ~~safe,~~  
19 safe.

20 (2) ~~or for~~ For aquatic weed control projects in waters of the State located within  
21 lakes under Article 15 of Chapter 113A of the General Statutes. Funding for  
22 aquatic weed control projects is limited to five hundred thousand dollars  
23 (\$500,000) in each fiscal year.

24 (c) Conditions on Funding. – ~~Any~~ Unless otherwise provided in this subsection, any  
25 project funded by revenue ~~from~~ credited to the Fund from the fees described in subsection (a)  
26 of this section must be cost-shared with non-State dollars on a one-to-one ~~basis, provided that~~  
27 the basis.

28 (1) The non-State cost-share required by this subsection may also be provided  
29 by monies contributed to the Fund by a non-State entity.

30 (2) The cost-share for a lake located within a component of the State Parks  
31 System shall be provided by the Division of Parks and Recreation of the  
32 Department of Environment and Natural Resources. The Division of Parks  
33 and Recreation may use funds allocated to the State Parks System for capital  
34 projects under G.S. 113-44.15 for the cost-share.



1       (d) Waiver of Cost-Share. – The Secretary may waive or modify the non-State  
2 cost-share requirement for dredging projects that (i) alleviate a navigational emergency or (ii)  
3 represent an opportunity to supplement or leverage Corps funding that would be lost if a  
4 cost-share was required. The Secretary may only waive or modify the non-State cost-share  
5 requirement up to an amount not to exceed five hundred thousand dollars (\$500,000) per  
6 project.

7       (e) Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund  
8 for a particular project or group of projects may make a written request to the Secretary that the  
9 contribution be returned if the contribution has not been spent or encumbered within two years  
10 of receipt of the contribution by the Fund. If the written request is made prior to the funds being  
11 spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the  
12 later of (i) receiving the request or (ii) the expiration of the two-year period described by this  
13 subsection.

14       (f) Reporting. – The Secretary shall report any waivers or modifications of the  
15 cost-share requirement made under subsection (d) of this section within 30 days of issuing the  
16 waiver or modification to the Joint Legislative Commission on Governmental Operations and  
17 the Fiscal Research Division of the General Assembly. The report shall include an explanation  
18 of the factors in subsection (d) of this section that are the basis for the waiver or modification  
19 decision.

20       (g) Definitions. – ~~For purposes of this section, "shallow draft navigation channel"~~  
21 ~~means~~The following definitions apply in this section:

22           (1) Corps. – The United States Army Corps of Engineers.

23           (2) Costs associated with a dredging project. – Includes the cost of the dredging  
24 operation, surveys or studies directly attributable to the project, and the costs  
25 of disposal of dredged material.

26           (3) Navigational emergency. – With respect to a shallow draft navigation  
27 channel, the removal of or statement of intent to remove one or more  
28 navigational buoys by the United States Coast Guard from the channel due  
29 to shoaling.

30           (4) Shallow draft navigation channel. – (i) ~~a~~A waterway connection with a  
31 maximum depth of 16 feet between the Atlantic Ocean and a bay or the  
32 Atlantic Intracoastal Waterway, (ii) a river entrance to the Atlantic Ocean  
33 through which tidal and other currents flow, or (iii) other interior coastal  
34 waterways. "~~Shallow draft navigation channel~~"The term includes the  
35 Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor,  
36 Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout  
37 Back, channels connected to federal navigation channels, Lockwoods Folly  
38 River, Manteo/Shallowbag Bay, including Oregon Inlet, Masonboro Inlet,  
39 New River, New Topsail Inlet, Rodanthe, Rollinson, Shallotte River, Silver  
40 Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort  
41 Harbor."

42       **SECTION 1.(b)** Of the funds appropriated to the Department of Commerce Job  
43 Catalyst Fund (Budget Code 14600-1912) for the 2014-2015 fiscal year, the sum of six million  
44 dollars (\$6,000,000) shall be transferred to the Shallow Draft Navigation Channel Dredging  
45 and Lake Maintenance Fund established pursuant to G.S. 143-215.73F within 10 days of the  
46 effective date of this act.

47       **SECTION 1.(c)** Notwithstanding G.S. 143-215.73F, the funds available in the  
48 Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund shall be reserved for  
49 all of the following purposes:

50           (1) The sum of four million dollars (\$4,000,000) shall be reserved for Oregon  
51 Inlet dredging needs.

- 1 (2) The sum of one hundred fifty thousand dollars (\$150,000) shall be reserved  
2 to reimburse the Department of Administration for its costs associated with  
3 exploring options for acquiring Oregon Inlet and the adjacent real property,  
4 including, but not limited to, surveys and appraisals, legal research, and  
5 studies related to sand management, engineering proposals, and larval  
6 transport.
- 7 (3) The sum of seven hundred fifty thousand dollars (\$750,000) shall be  
8 reserved to reimburse the Department of Administration for its costs  
9 associated with the implementation of Section 14.7(g) of S.L. 2014-100.  
10 Upon completion of the actions defined in Sections 14.7(a) through (f) of  
11 S.L. 2014-100 by the Secretary of Administration and the federal  
12 government, Section 14.7(g) of S.L. 2014-100 is repealed. The Department  
13 of Administration shall use the report submitted by the Department of  
14 Transportation pursuant to Section 14.7(h) of S.L. 2014-100 and consult  
15 with the Department of Transportation when prioritizing condemnation of all  
16 existing and future transportation corridors on the Outer Banks, a right  
17 retained by the State and recorded in a deed executed on August 7, 1958,  
18 when these lands were conveyed to the federal government.
- 19 (4) The sum of two hundred fifty thousand dollars (\$250,000) shall be reserved  
20 for use by the Department of Environment and Natural Resources to update  
21 the Beach and Inlet Management Plan. The Department may enter into a  
22 sole-source contract of up to two hundred fifty thousand dollars (\$250,000)  
23 with the firm that developed the initial Plan to have the firm update the Plan.  
24 The updated Plan shall include a recommended schedule for ongoing inlet  
25 maintenance. No later than December 1, 2016, the Department shall report to  
26 the Environmental Review Commission on the updated Plan.

27 The conditions on funding set out in G.S. 143-215.73F(c) may not be waived  
28 pursuant to G.S. 143-215.73F(d) for funds reserved for the Oregon Inlet dredging needs set out  
29 in subdivision (1) of this subsection. If State funds reserved for the purposes listed above are  
30 not spent or encumbered by June 30, 2016, the State funds shall be unreserved and made  
31 available for any of the uses set out in G.S. 143-215.73F.

## 32 33 **PART II. DEEP DRAFT NAVIGATION CHANNEL DREDGING AND** 34 **MAINTENANCE FUND**

35 **SECTION 2.(a)** Article 21 of Chapter 143 of the General Statutes is amended by  
36 adding a new Part to read:

37 "Part 8C. Deep Draft Navigation Channel Dredging and Maintenance Fund.

38 **"§ 143-215.73G. Deep Draft Navigation Channel Dredging and Maintenance Fund.**

39 (a) Fund Established. – The Deep Draft Navigation Channel Dredging and Maintenance  
40 Fund is established as a special revenue fund. The Fund consists of General Fund  
41 appropriations, gifts, or grants, including monies contributed by a non-State entity for a  
42 particular dredging project or group of projects and any other revenues specifically allocated to  
43 the Fund by an act of the General Assembly.

44 (b) Uses of the Fund. – Revenue credited to the Fund may only be used for costs  
45 associated with projects providing safe and efficient navigational access to a State Port,  
46 including the design, construction, expansion, modification, or maintenance of deep draft  
47 navigation channels, turning basins, berths, and related structures, as well as surveys or studies  
48 related to any of the foregoing and the costs of disposal of dredged material.

49 (c) Conditions on Funding. – State funds credited to the Fund from the sources  
50 described in subsection (a) of this section must be cost-shared on a one-to-one basis with funds  
51 provided by the State Ports Authority, provided that:

- 1           (1)   Funds contributed to the Fund by a non-State entity are not considered State  
2           funds and may be used to provide the cost-share required by this subsection.  
3           (2)   The Secretary may waive or modify the cost-share requirement for any  
4           project that supplements Corps funding for a study authorized by the Corps  
5           related to navigational access to a State Port, based on availability of  
6           alternate funding sources.

7           (d)   Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund  
8           for a particular project or group of projects may make a written request to the Secretary that the  
9           contribution be returned if the contribution has not been spent or encumbered within two years  
10           of receipt of the contribution by the Fund. If the written request is made prior to the funds being  
11           spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the  
12           later of (i) receiving the request or (ii) the expiration of the two-year period described by this  
13           subsection.

14           (e)   Definitions. – The following definitions apply in this Part:

15           (1)   Corps. – The United States Army Corps of Engineers.

16           (2)   State Port. – Facilities at Wilmington or Morehead City managed or operated  
17           by the State Ports Authority."

18           **SECTION 2.(b)** Of the funds appropriated to the Department of Commerce Job  
19           Catalyst Fund (Budget Code 14600-1912) for the 2014-2015 fiscal year, the sum of one million  
20           dollars (\$1,000,000) shall be transferred to the Deep Draft Navigation Channel Dredging and  
21           Maintenance Fund established pursuant to G.S. 143-215.73G, as enacted by this section, within  
22           10 days of the effective date of this act.

### 23 24 **PART III. MEMORANDA OF AGREEMENT**

25           **SECTION 3.(a)** SPA Memorandum of Agreement. – The State Ports Authority  
26           shall negotiate with the United States Army Corps of Engineers (hereafter, "Corps") a  
27           memorandum of agreement allowing for nonfederal funding of dredging and related studies or  
28           maintenance at the State Ports located at Wilmington and Morehead City. The memorandum  
29           required by this subsection shall be for as long a term as possible.

30           **SECTION 3.(b)** DENR Memorandum of Agreement. – The Division of Water  
31           Resources of the Department of Environment and Natural Resources shall negotiate with the  
32           Corps a memorandum of agreement allowing for nonfederal funding of dredging of Oregon  
33           Inlet. The memorandum required by this subsection shall be for as long a term as possible.

### 34 35 **PART IV. ACQUISITION OF FEDERAL LAND FOR PROTECTION OF** 36 **NAVIGATIONAL SAFETY AND COMMERCE**

37           **SECTION 4.(a)** Acquisition Agreement. – Notwithstanding Chapter 146 of the  
38           General Statutes or any other provision of law, the Department of Administration, on behalf of  
39           the State, shall seek to initiate negotiations with the appropriate agency of the federal  
40           government for an agreement to acquire the federally owned property necessary for  
41           management of deep draft navigation channels providing access to State Port facilities at  
42           Morehead City from the federal government in exchange for State-owned real property. The  
43           North Carolina Ports Authority and the Department of Transportation shall be included in the  
44           planning and carrying out of these negotiations, but the ultimate approval authority remains  
45           solely with the Secretary of the Department of Administration.

46           **SECTION 4.(b)** Terms. – The Secretary of the Department of Administration shall  
47           have the authority to negotiate the terms of the acquisition agreement. The agreement (i) shall  
48           provide for the acquisition of interests in real property described in subsection (a) of this  
49           section and no other; (ii) shall provide that the conveyances described in the agreement become  
50           effective as soon as practicable; and (iii) shall incorporate the relevant terms of this section.

1           **SECTION 4.(c)** Execution of Deeds. – Within 30 days of the acquisition becoming  
2 effective, the Attorney General shall execute any documents or deeds necessary to effectuate  
3 the acquisition under the exact terms set forth in the acquisition agreement. All State agencies  
4 and officials shall cooperate to the fullest extent possible in effectuating the acquisition  
5 agreement.

6           **SECTION 4.(d)** Reporting. – Within 30 days after an agreement is entered into  
7 pursuant to this section, the Secretary of the Department of Administration shall report to the  
8 Joint Legislative Commission on Governmental Operations on the terms of the agreement.  
9

10 **PART V. REMOVAL OF NAVIGATIONAL OBSTRUCTIONS FOR ECOSYSTEM**  
11 **RESTORATION AND PROTECTION OF NAVIGATIONAL SAFETY**

12           **SECTION 5.1.(a)** The General Assembly finds that the New Inlet Dam or "The  
13 Rocks" is a breakwater established by the United States Army Corps of Engineers in the late  
14 1800s. The New Inlet Dam is composed of two components, a Northern Component that  
15 extends from Federal Point to Zeke's Island and a Southern Component that extends  
16 southwestward from Zeke's Island and separates the New Inlet from the main channel of the  
17 Cape Fear River.

18           **SECTION 5.1.(b)** The General Assembly finds that the Southern Component of  
19 the New Inlet Dam impedes the natural flow of water between the Cape Fear River and the  
20 Atlantic Ocean that occurred prior to emplacement of the dam.

21           **SECTION 5.1.(c)** The General Assembly finds that it is necessary to remove the  
22 Southern Component of the New Inlet Dam in order to reestablish the natural hydrodynamic  
23 flow between the Cape Fear River and the Atlantic Ocean.

24           **SECTION 5.1.(d)** To this end, the Department of Environment and Natural  
25 Resources shall do all of the following:

- 26           (1) Notify the United States Army Corps of Engineers of the State's intent to  
27 remove the Southern Component of the New Inlet Dam.
- 28           (2) Issue a Request for Proposals for a firm capable of conducting all aspects of  
29 removal of the Southern Component of the New Inlet Dam, including  
30 securing all necessary State and federal permits and developing and  
31 implementing a removal plan. Identification of a capable firm pursuant to  
32 this section shall be done in accordance with Article 8 of Chapter 143 of the  
33 General Statutes.
- 34           (3) Execute a contract with the firm chosen to implement subdivision (2) of this  
35 subsection and exercise oversight of the fulfillment of the contract.  
36 Execution of a contract pursuant to this section shall be done in accordance  
37 with Article 8 of Chapter 143 of the General Statutes.
- 38           (4) Request approval from the National Oceanic and Atmospheric  
39 Administration to adjust the boundary established for Zeke's Island for both  
40 of the following changes:
  - 41           a. Moving the current western boundary 200 feet seaward and  
42 removing the area that lies between the current boundary and the new  
43 boundary from the North Carolina National Estuarine Research  
44 Reserve.
  - 45           b. Compensating for any loss of acreage pursuant to sub-subdivision a.  
46 of this subdivision by adding a corresponding amount of acreage to  
47 the northern boundary of Zeke's Island from adjacent acreage at Fort  
48 Fisher State Recreation Area.
- 49           (5) If the Department obtains approval from the National Oceanic and  
50 Atmospheric Administration to adjust the boundary established for Zeke's  
51 Island as described in subdivision (4) of this subsection, the Coastal

Resources Commission shall amend 15A NCAC 07O .0105 (North Carolina Coastal Reserve: Reserve Components) as follows:

- a. Definitions. – "Reserve Components Rule" means 15A NCAC 07O .0105 (North Carolina Coastal Reserve: Reserve Components) for purposes of this section and its implementation.
- b. Reserve Components Rule. – Until the effective date of the revised permanent rule that the Coastal Resources Commission is required to adopt pursuant to sub-subdivision d. of this subdivision, the Commission and the Department of Environment and Natural Resources shall implement the Reserve Components Rule, as provided in sub-subdivision c. of this subdivision.
- c. Implementation. – Notwithstanding the Reserve Components Rule, the Commission shall adjust the boundary established for Zeke's Island in conformance with any boundary change that is approved by the National Oceanic and Atmospheric Administration pursuant to subdivision (4) of this subsection.
- d. Additional rule-making authority. – The Commission shall adopt a rule to replace the Reserve Components Rule. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this subdivision shall be substantively identical to the provisions of sub-subdivision c. of this subdivision. Rules adopted pursuant to this subdivision are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this subdivision shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).
- e. Effective date. – Sub-subdivision c. of this subdivision expires when permanent rules to replace sub-subdivision c. of this subdivision have become effective, as provided by sub-subdivision d. of this subdivision.

**SECTION 5.1.(e)** Notwithstanding any other provision of law, the Department of Environment and Natural Resources may use funds from the Deep Draft Navigation Channel Dredging and Maintenance Fund, established pursuant to G.S. 143-215.73G, as enacted by Section 2 of this act, to implement this section.

## **PART VI. MISCELLANEOUS DREDGING PROVISIONS**

**SECTION 6.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(e) Exemptions From Contested Case Provisions. – The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

...

(22) The Secretary of Environment and Natural Resources for the waiver or modification of non-State cost-share requirements under G.S. 143-215.73F and G.S. 143-215.73G."

## **PART VII. ESTABLISH COASTAL WATERWAYS USER IDENTIFICATION NUMBER REQUIREMENT**

**SECTION 7.1.(a)** Article 1 of Chapter 75A of the General Statutes is amended by adding a new section to read:

**"§ 75A-5.3. Coastal Waterways User Identification Number required.**

- 1       (a) Definitions. – As used in this section, "coastal fishing waters" has the same meaning  
2 as in G.S. 113-129.
- 3       (b) Coastal Waterways User Identification Number Required. – All of the following  
4 vessels are required to be numbered with a Coastal Waterways User Identification Number  
5 issued by the Wildlife Resources Commission:
- 6           (1) A vessel required to be numbered pursuant to G.S. 75A-4 that is 24 feet or  
7 more in length and that is operated in the coastal fishing waters of the State.
- 8           (2) A vessel that (i) is numbered in accordance with applicable federal law or in  
9 accordance with a federally approved numbering system of another state, (ii)  
10 is 24 feet or more in length, and (iii) is used to engage in commercial or  
11 recreational fishing in the coastal fishing waters of the State under any of the  
12 following fishing licenses:
- 13           a. A Standard Commercial Fishing License issued pursuant to  
14 G.S. 113-168.2.
- 15           b. A Retired Standard Commercial Fishing License issued pursuant to  
16 G.S. 113-168.3.
- 17           c. A Shellfish License issued pursuant to G.S. 113-169.2.
- 18           d. A Recreational Commercial Gear License issued pursuant to  
19 G.S. 113-173.
- 20           e. A Coastal Recreational Fishing License issued pursuant to  
21 G.S. 113-174.2 or G.S. 113-351.
- 22           f. A For-Hire License issued pursuant to G.S. 113-174.3.
- 23       (c) Fees. – The annual fee for a Coastal Waterways User Identification Number shall be  
24 calculated by rounding down the length of the vessel to the nearest foot, dividing this length by  
25 eight, and multiplying the result by the length of the vessel rounded down to the nearest foot.  
26 The result of this calculation shall be rounded down to the nearest cent, and this result shall be  
27 the dollar amount of the annual fee for each vessel. Notwithstanding this subsection, an annual  
28 fee for a Coastal Waterways User Identification Number shall not be greater than the fee for a  
29 100-foot vessel. The funds collected pursuant to this section shall be credited on a quarterly  
30 basis to the Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund  
31 established by G.S. 143-215.73F.
- 32       (d) Renewal of Number. – An owner of a vessel issued a Coastal Waterways User  
33 Identification Number pursuant to this section shall renew the number on or before the number  
34 expires. If the number is not renewed before it expires, it shall lapse and be void until such time  
35 as it may thereafter be renewed. Application for renewal shall be submitted on a form approved  
36 by the Commission and shall be accompanied by a fee in the amount set forth in subsection (c)  
37 of this section.
- 38       (e) Duplicate Number. – The Commission shall issue a duplicate number for a Coastal  
39 Waterways User Identification Number upon application by the person entitled to hold the  
40 number if the Commission is satisfied the original number has been lost, stolen, mutilated,  
41 destroyed, or has become illegible.
- 42       (f) Vessel Change of Ownership. – Should the ownership of a vessel with a valid  
43 Coastal Waterways User Identification Number change, a new application form with the fee set  
44 forth in subsection (c) of this section shall be filed with the Commission by the new owner  
45 upon expiration if the new owner intends to use the vessel as described in subsection (b) of this  
46 section. Coastal Waterways User Identification Numbers are not transferable from one vessel to  
47 another.
- 48       (g) Duration. – Coastal Waterways User Identification Numbers are valid for a period  
49 of 12 months from the date of issuance. Subsequent renewals made before the expiration date  
50 of the number are valid the first day after the expiration of the currently valid number.

1 Renewals made after the number expires are valid for a period of 12 months from the date of  
2 issuance.

3 (h) Display. – Notwithstanding G.S. 75A-5(k), the Coastal Waterways User  
4 Identification Number shall be displayed on each side of the bow of the vessel.

5 (i) Penalty. – A person who fails to obtain and display the Coastal Waterways User  
6 Identification Number required by this section is responsible for an infraction as provided in  
7 G.S. 14-3.1 and shall pay a fine equal to the amount of the fee for the applicable Coastal  
8 Waterways User Identification Number.

9 (j) Rule Making. – The Wildlife Resources Commission shall adopt rules to implement  
10 this section."

11 **SECTION 7.1.(b)** G.S. 75A-5.2 reads as rewritten:

12 "**§ 75A-5.2. Vessel agents.**

13 (a) In order to facilitate the convenience of the public, the efficiency of administration,  
14 the need to keep statistics and records affecting the conservation of wildlife resources, boating,  
15 water safety, and other matters within the jurisdiction of the Commission, and to facilitate  
16 vessel transactions, the Commission may conduct vessel transactions through any of the  
17 following:

- 18 (1) Vessel agents.
- 19 (2) The Commission's headquarters.
- 20 (3) Employees of the Commission.
- 21 (4) Two or more of those sources simultaneously.

22 (b) When there are substantial reasons for differing treatment, the Commission may  
23 conduct vessel transactions by one method in one locality and by another method in another  
24 locality.

25 (c) As compensation for services rendered to the Commission and to the general public,  
26 vessel agents shall receive the surcharge listed below. The surcharge shall be added to the fee  
27 for each certificate issued.

- 28 (1) Renewal of certificate of number – \$3.00.
- 29 (2) Transfer of ownership and certificate of number – \$5.00.
- 30 (3) Issuance of new certificate of number – \$5.00.
- 31 (4) Issuance of duplicate certificate of number – \$3.00.
- 32 (5) Issuance or transfer of certificate of title – \$5.00.
- 33 (6) Issuance of new, duplicate, or renewal Coastal Waterways User  
34 Identification Number – \$3.50.

35 "...."

36 **SECTION 7.2.(a)** The Wildlife Resources Commission shall disseminate  
37 information regarding the Coastal Waterways User Identification Number to the public in order  
38 to inform affected vessel owners of the Coastal Waterways User Identification Number  
39 requirements.

40 **SECTION 7.2.(b)** Notwithstanding G.S. 75A-3, of the funds to be transferred to  
41 the Shallow Draft Navigation Channel and Lake Dredging Fund pursuant to G.S. 75A-3, the  
42 Wildlife Resources Commission may retain up to two hundred fifty thousand dollars  
43 (\$250,000) to implement this section. These funds are hereby appropriated for the 2014-2015  
44 fiscal year and shall remain available until expended.

45 **SECTION 7.2.(c)** Subsection (j) of G.S. 75A-5.3, as enacted by Section 7.1 of this  
46 act, and Section 7.2 of this act are effective when this act becomes law. All other provisions of  
47 Section 7.1 of this act become effective January 1, 2016.

48  
49 **PART VIII. DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND ITS**  
50 **RULES FOR TEMPORARY EROSION CONTROL STRUCTURES**



1           **SECTION 8.(a)** The Coastal Resources Commission shall amend its rules for the  
2 use of temporary erosion control structures to provide for all of the following:

- 3           (1) Allow the placement of temporary erosion control structures on a property  
4 that is experiencing coastal erosion even if there are no imminently  
5 threatened structures on the property if the property is adjacent to a property  
6 where temporary erosion control structures have been placed.
- 7           (2) Allow the placement of contiguous temporary erosion control structures  
8 from one shoreline boundary of a property to the other shoreline boundary,  
9 regardless of proximity to an imminently threatened structure.
- 10          (3) The termination date of all permits for contiguous temporary erosion control  
11 structures on the same property shall be the same and shall be the latest  
12 termination date for any of the permits.
- 13          (4) The replacement, repair, or modification of damaged temporary erosion  
14 control structures that are either legally placed with a current permit or  
15 legally placed with an expired permit, but the status of the permit is being  
16 litigated by the property owner.

17           **SECTION 8.(b)** The Coastal Resources Commission shall adopt temporary rules to  
18 implement this section no later than December 31, 2015. The Commission shall also adopt  
19 permanent rules to implement this section.  
20

## 21 **PART IX. MODIFY USES FOR DARE COUNTY OCCUPANCY TAX**

22           **SECTION 9.** Effective July 1, 2016, for net proceeds collected on or after that  
23 date, Chapter 449 of the 1985 Session Laws, as amended by Chapters 177 and 906 of the 1991  
24 Session Laws, Part VII of S.L. 2001-439, and Section 7 of S.L. 2010-78, is amended by adding  
25 a new section to read:

26           "Sec. 3.3. Waterway Maintenance. – Notwithstanding any provision restricting the use of  
27 taxes authorized in this act, the county may use up to three million dollars (\$3,000,000) of the  
28 net proceeds of the taxes authorized by Sections 3.1 and 3.2 of this act per fiscal year for  
29 maintenance of waterways in the county. This section is repealed for fiscal years beginning on  
30 or after July 1, 2021."  
31

## 32 **PART X. OREGON INLET AS A TRANSPORTATION CORRIDOR**

33           **SECTION 10.** Article 3 of Chapter 136 of the General Statutes is amended by  
34 adding a new section to read:

35           "§ 136-45.1. Oregon Inlet a transportation corridor.

36           For purposes of this Chapter, including G.S. 136-18(2) and Article 9 of this Chapter, the  
37 Oregon Inlet shall be considered a transportation corridor."  
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## 39 **PART XI. ALLOW COASTAL COUNTIES TO REMOVE ABANDONED VESSELS** 40 **FROM NAVIGABLE WATERS**

41           **SECTION 11.1.** Section 1 of S.L. 2013-182 is repealed.

42           **SECTION 11.2.** G.S. 153A-132 reads as rewritten:

43           **"§ 153A-132. Removal and disposal of abandoned and junked motor vehicles.**

44           (a) Grant of Power. – A county may by ordinance prohibit the abandonment of motor  
45 vehicles on public grounds and private property within the county's ordinance-making  
46 jurisdiction and on county-owned property wherever located. The county may enforce the  
47 ordinance by removing and disposing of abandoned or junked motor vehicles according to the  
48 procedures prescribed in this section.

49           (b) Definitions. – "Motor vehicle" includes any machine designed or intended to travel  
50 over land or water by self-propulsion or while attached to self-propelled vehicle.

51           (1) An "abandoned motor vehicle" is one that:

- 1 a. Is left on public grounds or county-owned property in violation of a  
2 law or ordinance prohibiting parking; or  
3 b. Is left for longer than 24 hours on property owned or operated by the  
4 county; or  
5 c. Is left for longer than two hours on private property without the  
6 consent of the owner, occupant, or lessee of the property; or  
7 d. Is left for longer than seven days on public grounds.
- 8 (2) A "junked motor vehicle" is an abandoned motor vehicle that also:  
9 a. Is partially dismantled or wrecked; or  
10 b. Cannot be self-propelled or moved in the manner in which it  
11 originally was intended to move; or  
12 c. Is more than five years old and appears to be worth less than one  
13 hundred dollars (\$100.00); or  
14 d. Does not display a current license plate.
- 15 (c) Removal of Vehicles. – A county may remove to a storage garage or area an  
16 abandoned or junked motor vehicle found to be in violation of an ordinance adopted pursuant  
17 to this section. A vehicle may not be removed from private property, however, without the  
18 written request of the owner, lessee, or occupant of the premises unless the board of  
19 commissioners or a duly authorized county official or employee has declared the vehicle to be a  
20 health or safety hazard. Appropriate county officers and employees have a right, upon  
21 presentation of proper credentials, to enter on any premises within the county  
22 ordinance-making jurisdiction at any reasonable hour in order to determine if any vehicles are  
23 health or safety hazards. The county may require a person requesting the removal from private  
24 property of an abandoned or junked motor vehicle to indemnify the county against any loss,  
25 expense, or liability incurred because of the vehicle's removal, storage, or sale.
- 26 When an abandoned or junked motor vehicle is removed, the county shall give notice to the  
27 owner as required by G.S. 20-219.11(a) and (b).
- 28 (d) Hearing Procedure. – Regardless of whether a county does its own removal and  
29 disposal of motor vehicles or contracts with another person to do so, the county shall provide a  
30 hearing procedure for the owner. For purposes of this subsection, the definitions in  
31 G.S. 20-219.9 apply.
- 32 (1) If the county operates in such a way that the person who tows the vehicle is  
33 responsible for collecting towing fees, all provisions of Article 7A, Chapter  
34 20, apply.
- 35 (2) If the county operates in such a way that it is responsible for collecting  
36 towing fees, it shall:  
37 a. Provide by contract or ordinance for a schedule of reasonable towing  
38 fees,  
39 b. Provide a procedure for a prompt fair hearing to contest the towing,  
40 c. Provide for an appeal to district court from that hearing,  
41 d. Authorize release of the vehicle at any time after towing by the  
42 posting of a bond or paying of the fees due, and  
43 e. Provide a sale procedure similar to that provided in G.S. 44A-4,  
44 44A-5, and 44A-6, except that no hearing in addition to the probable  
45 cause hearing is required. If no one purchases the vehicle at the sale  
46 and if the value of the vehicle is less than the amount of the lien, the  
47 county may destroy it.
- 48 (e) and (f) Repealed by Session Laws 1983, c. 420, s. 10.
- 49 (g) No Liability. – No person nor any county may be held to answer in a civil or  
50 criminal action to any owner or other person legally entitled to the possession of an abandoned,  
51 junked, lost, or stolen motor vehicle for disposing of the vehicle as provided in this section.

1 (h) Exceptions. – This section does not apply to any vehicle in an enclosed building, to  
2 any vehicle on the premises of a business enterprise being operated in a lawful place and  
3 manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an  
4 appropriate storage place or depository maintained in a lawful place and manner by the county.

5 (i) A county may by ordinance prohibit the abandonment of vessels in navigable waters  
6 within the county's ordinance-making jurisdiction, subject to the provisions of this subsection.  
7 The provisions of this section shall apply to abandoned vessels in the same manner that they  
8 apply to abandoned or junked motor vehicles to the extent that the provisions may apply to  
9 abandoned vessels. For purposes of this subsection, an "abandoned vessel" is one that meets  
10 any of the following:

11 (1) A vessel that is moored, anchored, or otherwise located for more than 30  
12 consecutive days in any 180 consecutive-day period without permission of  
13 the dock owner.

14 (2) A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is  
15 located such that it is a hazard to navigation or is an immediate danger to  
16 other vessels.

17 Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have  
18 been in place for more than 10 years shall not be considered abandoned vessels and shall not be  
19 removed under the provisions of this section without the approval of the Department of  
20 Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22  
21 and G.S. 121-23. This subsection applies only to the counties set out in G.S. 113A-103(2)."

## 22 23 **PART XII. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

24 **SECTION 12.1.** If any provision of this act or its application is held invalid, the  
25 invalidity does not affect other provisions or applications of this act that can be given effect  
26 without the invalid provision or application, and to this end the provisions of this act are  
27 severable.

28 **SECTION 12.2.** Except as otherwise provided, this act is effective when it  
29 becomes law.