

**Fiscal Impact Analysis for Amended Rule 15A NCAC 12B .0901 - Firearms: Weapons:  
Explosives**

**NAME OF AGENCY:** Department of Environment and Natural Resources (DENR)

**DIVISION:** Parks and Recreation

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**IMPACT SUMMARY:** State Government: No  
Local Government: No  
Private Entities: No  
Substantial Impact: No  
Federal Government: No

**AUTHORITY:** G.S. 113-35 (DENR authority to make Park rules)  
14-410 (Use of Pyrotechnics)  
14-415 (Possession of Firearms by a Felon)  
14-415.11 (Concealed Handgun Permits)  
14-269 (Carrying Concealed Weapons)

**IMPACT / NECESSITY:** This proposed revision to 15A NCAC 12B .0901 is required to comply with the General Assembly’s revisions to G.S. 14-269 and G.S.14-415.11 while clarifying the scope of the general prohibition against firearms at State Parks. These statutes now permit individuals possessing a valid concealed handgun permit to carry concealed firearms within North Carolina State Parks. This rule does not impact federally-owned, Division-managed land, including land owned by the Army Corps of Engineers. This proposed change complies with Executive Order 70 and serves the public interest by bringing the rule into conformity with the new law.

**SUMMARY:**

**I. Description of Rule**

The existing Rule identifies the persons that are permitted to carry firearms, air guns, bows and arrows, slingshots and other lethal missiles on State Park property; prohibits the possession or use of dynamite and other explosives; and prohibits the possession or use of pyrotechnics in a public

exhibition without a permit from the Division. The proposed amendment would add “air soft guns” and “paintball guns” (types of air guns) to the list of firearms covered while stating a limited exception to the firearms prohibition for persons with valid concealed handgun permits.

**II. Purpose of Rule Change**

The purpose of this Rule amendment is to comply with recent changes to N.C. General Statutes §14-269 and §14-415.11. The existing rule allows only “authorized park employees, their agents, or contractors, or officers of the state [to] carry or possess . . . firearms.” In contrast, N.C. Gen. Stat. § 14-415.11, as revised by S.L. 2011-268, now states in § (c1) that “any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.” An amendment to 15A NCAC 12B .0901 is thus necessary to reflect this change in the State’s concealed carry law.

**III. Costs**

The costs described in this document stem from implementation of changes to State law and are not borne at the discretion of the Division. Nevertheless, the Division presents this analysis to depict probable results from the amendment of the rule in question.

**A. Regulated Parties**

Visitors to North Carolina State Parks: Given the existing State statute, the amended rule would impose no additional compliance costs on visitors to State Parks. Nor would the cumulative effect of Park rules change in a manner substantially burdening park visitors. No other parties are subject to this regulation.

**B. Implementing Agencies**

DENR, Division of Parks and Recreation: Cost to the Agency should be assessed relative to baseline, which should reflect compliance with State and Federal law. Because Division personnel are regularly engaged in law enforcement, there would be no opportunity cost to enforcing the proposed rule change. Nor is there any data suggesting an anticipated change in Park use patterns or related losses in revenue. However, there are minimal costs associated with amending the rule such as the costs for materials and labor necessary to install replacement sign overlay stickers, visitor center information signage, and new park signs. These are one-time costs related exclusively to the implementation of new legislation. Notably, these costs have already been borne by the Division in 2012 in order to comply with current statutes.<sup>1</sup>

<b>Estimated Material Costs</b> (stickers, signage, etc.):	\$1,000
<b>Estimated Staff Costs</b> (related to placement of overlay stickers, new park signs, removal of old signs, etc., - 42 park units x 1 Ranger with an avg. salary of \$35,000/5 years experience	\$2,140

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<sup>1</sup> Given that these costs were already borne in order to comply with statutory changes, there is no question that “the funds that would be required by the proposed rule change [were] available.” N.C. Gen. Stat. § 150B-21.4 (2011).

x 2 hour's labor (*using the Office of State Personnel Total Compensation Calculator*)

**Total Estimated Cost: \$3,140**

**IV. Benefits**

The benefits of the rule change are compliance with the current State law and increased regulatory clarity, both of which are inherently in the public's interest. The inclusion of "air soft guns" and "paint ball guns" alerts the public that these types of airguns are also subject to the rule.

The inclusion of a provision clarifying the persons authorized to carry concealed firearms is necessary to comply with State statutes while identifying the Division-managed land to which the State statutes do not apply. Individuals possessing a concealed handgun carry permit may incur benefits in terms of increased safety – real or perceived – from being able to carry their guns in the parks. Given the lack of data and the nature of these benefits, it is difficult to provide a monetary estimate. Moreover, these benefits may be offset by the indirect cost to other park users who may perceive an increased risk to their safety from more permissible firearms rules in the park.

Additional economic benefits may include cost savings to the Division resulting from greater compliance with the State's concealed carry law and, consequently, lower enforcement costs related to issuance of citations and/or court appearances. The Division does not consider significant lower enforcement costs reflected only in terms of staff time savings.

**V. Total Costs and Benefits**

The net costs of the rule change are estimated at \$3,140.00.

**VI. Alternative Policies**

Statutory compliance—and thus an amendment of the existing rule—is required. There are no alternatives.

**PROPOSED RULE TEXT**

**15A NCAC 12B .0901 is proposed for amendment as follows:**

**15A NCAC 12B .0901 FIREARMS: WEAPONS: EXPLOSIVES**

(a) Except as provided in subsection (b), No no person except authorized park employees, their agents, or contractors, or officers of the state shall carry or possess firearms, air guns, air soft guns, paint ball guns, bows and arrows, sling shots, or lethal missiles of any kind within any park- except as provided by a valid concealed carry permit or as approved under North Carolina G.S. 14-269.

(b) A person with a valid concealed handgun permit issued by one of the United States who adheres to the requirements set forth in G.S. 14-415.11 may carry a concealed handgun on the grounds and waters of a State Park. Persons acting under this exception should take notice that certain Division managed properties are owned by the U.S. Army Corps of Engineers and subject to separate regulations governing firearms. Accordingly, concealed handguns are prohibited at Falls Lake, Jordan Lake and Kerr Lake State Recreation Areas.

~~(b)~~ (c) The possession or use of cap pistols is prohibited. The possession or use of dynamite or other powerful explosives as defined in G.S. 14-284.1 is prohibited.

(c) (d) The possession or use of pyrotechnics is prohibited except for pyrotechnics exhibited, used, or discharged in connection with an authorized public exhibition and approved by the Director of the Division of Parks and Recreation, or designee. Persons wishing to possess or use pyrotechnics in connection with a public exhibition, such as a public celebration shall file an application for a special use permit with the appropriate park superintendent. All applicants shall enter an indemnification agreement with the Department and obtain general liability and property damage insurance, with limits as determined by the Secretary or designee, which are reasonably necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public exhibition of pyrotechnics or any act(s) or omission(s) on the part of the applicant(s) or the applicant's agents, servants, employees, or subcontractors presenting the public exhibition. The Division Director, or designee, may deny an application as deemed necessary to protect the public health, safety, and welfare, or to protect the natural resources of the park unit.

*History Note: Authority G.S. 14-410; 14-415; 113-35; 14-269; 14-415.11; 14-415.24  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Temporary Amendment Eff. July 2, 1997.  
Temporary Amendment Expired September 29, 1998.  
Amended Eff.       , 2013; April 1, 1999;*