

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 733
Finance Committee Substitute Adopted 7/7/93
Third Edition Engrossed 7/9/93
House Committee Substitute Favorable 7/17/93
House Committee Substitute #2 Favorable 7/16/94

Short Title: Parks and Recreation Trust Fund.

(Public)

Sponsors:

Referred to:

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PARKS AND RECREATION TRUST FUND.

The General Assembly of North Carolina enacts:

Section 1. Article 2C of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-44.15. Parks and Recreation Trust Fund.

(a) There is established a Parks and Recreation Trust Fund in the State Treasurer's Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts and grants to the Trust Fund and other monies appropriated to it by the General Assembly.

It is the intent of the General Assembly to dedicate an amount equal to seventy-five percent (75%) of the State's share of the deed stamp tax levied pursuant to G.S. 105-228.30 to the Parks and Recreation Trust Fund and an additional amount equal to ten percent (10%) of the State's share of the deed stamp tax to the Natural Heritage Trust Fund.

(b) Beginning July 1, 1995, funds in the Trust Fund are annually appropriated to the Department and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, shall be allocated and used as follows:

1 (5) 'Trustees' means the trustees of the ~~Recreation and~~ Natural Heritage
2 Trust Fund.

3 **"§ 113-77.7. ~~Recreation and~~ Natural Heritage Trust Fund.**

4 (a) There is established a ~~Recreation and~~ Natural Heritage Trust Fund in the State
5 Treasurer's office that shall be used to finance the ~~Recreation and~~ Natural Heritage Trust
6 Program authorized by this Article.

7 (b) The State Treasurer shall hold the Fund separate and apart from all other
8 moneys, funds, and accounts. Investment earnings credited to the assets of the Fund
9 shall become part of the Fund. Any balance remaining in the Fund at the end of any
10 fiscal year shall be carried forward in the Fund for the next succeeding fiscal year.
11 Payments from the Fund shall be made on the warrant of the Chairman of the Board of
12 Trustees.

13 (c) When the State acquires land pursuant to this Article, the Chairman of the
14 Board of Trustees shall direct a request to the State Treasurer to set aside an amount
15 from the Fund not to exceed twenty percent (20%) of the appraised value of the land
16 acquired, or the land affected if less than a fee interest was acquired, to be placed in a
17 special stewardship account in the Fund. The special stewardship account shall be a
18 nonlapsing account, and income derived from investment of the account shall be
19 credited to the account. The special stewardship account shall be used for the
20 management of land acquired pursuant to this Article, as directed by the Trustees, so
21 long as such land remains in the Trust.

22 **"§ 113-77.8. ~~Recreation and~~ Natural Heritage Trust Fund Board of Trustees.**

23 (a) Expenditures from the Fund shall be authorized by a nine-member Board of
24 Trustees. Three members shall be appointed by the Governor, three by the Lieutenant
25 Governor, and three by the Speaker of the House of Representatives. Persons appointed
26 shall be knowledgeable in the acquisition and management of natural areas. Each
27 appointing officer shall designate one of his initial appointments to serve a two-year
28 term, one to serve a four-year term, and one to serve a six-year term. Thereafter, all
29 appointments shall be for six years, subject to reappointment. All initial appointments
30 shall be made on or before January 1, 1988. The Governor shall appoint one Trustee to
31 serve as Chairman of the Board. The Secretary shall provide the Trustees with staff
32 support and meeting facilities using expenditures from the Fund. The office of Trustee
33 is declared to be an office that may be held concurrently with any other executive or
34 appointive office, under the authority of Article VI, Sec. 9, of the North Carolina
35 Constitution.

36 (b) The Trustees shall meet at least once each year and may hold special
37 meetings at the call of the Chairman or a majority of the members.

38 (c) The Trustees shall receive the per diem allowed for other members of boards
39 and commissions of the State as fixed in the Biennial Appropriations Act, and, in
40 addition, the Trustees shall receive subsistence and travel expenses as fixed by statute
41 for such purposes. Travel and subsistence expenses shall be allowed while going to or
42 from any place of meeting or when on official business. Per diem payments shall
43 include necessary time spent in traveling to and from their places of residence to any

1 meeting place or while traveling on official business. Per diem, subsistence, and travel
2 expenses of the Trustees shall be paid from the Fund.

3 **"§ 113-77.9. Acquisition of lands from the ~~Recreation and~~ Natural Heritage Trust**
4 **Fund.**

5 (a) From time to time, but at least once each year, the Secretary, the Chairman of
6 the North Carolina Wildlife Resources Commission, and the Commissioner of
7 Agriculture shall propose to the Trustees lands to be acquired from the Fund. For each
8 tract or interest proposed, the Secretary, the Chairman of the North Carolina Wildlife
9 Resources Commission, and the Commissioner of Agriculture shall provide the Trustees
10 with the following information:

- 11 (1) The value of the land for recreation, forestry, fish and wildlife habitat,
12 and wilderness purposes, and its consistency with the plan developed
13 pursuant to the State Parks Act, the State's comprehensive plan for
14 outdoor recreation, parks, natural areas development, and wildlife
15 management goals and objectives;
- 16 (2) Any rare or endangered species on or near the land;
- 17 (3) Whether the land contains a relatively undisturbed and outstanding
18 example of a native North Carolina ecological community that is now
19 uncommon;
- 20 (4) Whether the land contains a major river or tributary, watershed,
21 wetland, significant littoral, estuarine, or aquatic site, or important
22 geologic feature;
- 23 (5) The extent to which the land represents a type of landscape, natural
24 feature, or natural area that is not currently in the State's inventory of
25 parks and natural areas;
- 26 (6) Other sources of funds that may be available to assist in acquiring the
27 land;
- 28 (7) The State department or division that will be responsible for managing
29 the land;
- 30 (8) What assurances exist that the land will not be used for purposes other
31 than those for which it is being acquired; and
- 32 (9) Whether the site or structure is of such historical significance as to be
33 essential to the development of a balanced State program of historic
34 properties.

35 (b) The Trustees may authorize expenditures from the Fund to acquire:

- 36 (1) Land that represents the ecological diversity of North Carolina,
37 including natural features such as riverine, montane, coastal, and
38 geologic systems and other natural areas to ensure their preservation
39 and conservation for recreational, scientific, educational, cultural, and
40 aesthetic purposes.
- 41 (2) Land as additions to the system of parks, State trails, aesthetic forests,
42 fish and wildlife management areas, wild and scenic rivers, and natural
43 areas for the beneficial use and enjoyment of the public.

1 (3) Subject to the limitations of subsection (b1), land that contributes to
2 the development of a balanced State program of historic properties.

3 The Trustees may designate managers or managing agencies of the lands so acquired
4 to receive grants from the Fund's stewardship account. In authorizing expenditures from
5 the Fund to acquire land pursuant to this Article, the first priority shall be the protection
6 of land with outstanding natural or cultural heritage values. Land with outstanding
7 natural heritage values is land that is identified by the North Carolina Natural Heritage
8 Program as having State or national significance. Land with outstanding cultural
9 heritage values is land that is identified, inventoried, or evaluated by the Department of
10 Cultural Resources. The Trustees shall be guided by any priorities established by the
11 Secretary, the Chairman of the Wildlife Resources Commission, and the Commissioner
12 of Agriculture in their proposals made pursuant to subsection (a), above.

13 (b1) The Trustees may authorize expenditure of up to twenty-five percent (25%)
14 of the funds credited to the Fund pursuant to G.S. 105-228.30 during the preceding
15 fiscal year to acquire land under subdivision (3) of subsection (b). No other funds in the
16 Fund may be used for expenditures to acquire land under subdivision (3) of subsection
17 (b).

18 (c) The Trustees may authorize expenditures from the Fund to pay for the
19 inventory of natural areas by the Secretary's Natural Heritage Program conducted
20 pursuant to Chapter 113A, Article 9A, of the General Statutes.

21 (d) The Department of Administration may, pursuant to G.S. 143-341, acquire by
22 purchase, gift, or devise all lands selected by the Trustees for acquisition pursuant to
23 this Article. Title to any land acquired pursuant to this Article shall be vested in the
24 State. State agencies with management responsibilities for lands acquired pursuant to
25 this Article may enter into management agreements in the form of leases with counties,
26 cities, and towns to aid in managing the lands, and such lease agreements shall be
27 executed by the Department of Administration pursuant to G.S. 143-341.

28 (d1) In any county in which real property was purchased pursuant to subsection
29 (d) of this section as additions to the fish and wildlife management areas and where less
30 than twenty-five percent (25%) of the land area is privately owned at the time of
31 purchase, that county and any other local taxing unit shall be annually reimbursed, for a
32 period of 20 years, from funds available to the North Carolina Wildlife Resources
33 Commission in an amount equal to the amount of ad valorem taxes that would have
34 been paid to the taxing unit if the property had remained subject to taxation.

35 (e) The Secretary shall maintain and annually revise a list of acquisitions made
36 pursuant to this Article. The list shall include the acreage of each tract, the county in
37 which the tract is located, the amount paid from the Fund to acquire the tract, and the
38 State department or division responsible for managing the tract. The Secretary shall
39 furnish a copy of the list to each Trustee and to each House of the General Assembly
40 after each revision.

41 (f) No provision of this Article shall be construed to eliminate hunting and
42 fishing, as regulated by the laws of the State of North Carolina, upon properties
43 purchased pursuant to this Article."

44 Sec. 4. This act is effective upon ratification.