

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE DRS35402-LYx-305A\* (4/12)**

Short Title: Land and Water Conservation Bond Act of 2006. (Public)

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Sponsors: Senator Clodfelter.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO ADDRESS STATEWIDE NEEDS REGARDING LAND CONSERVATION, WATER QUALITY PROTECTION, HISTORIC PRESERVATION, AND JOB CREATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act is entitled "The Land and Water Conservation Bond Act of 2006."

**SECTION 2.** Authorization of bonds and notes. – Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing Land and Water Conservation Bonds in the election called and held as provided in this act, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Land and Water Conservation Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in an aggregate principal amount not exceeding one billion dollars (\$1,000,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this act. No more than an aggregate amount of two hundred million dollars (\$200,000,000) of bonds may be issued under this act before July 1, 2007. No more than an aggregate amount of four hundred million dollars (\$400,000,000) of bonds may be issued under this act before July 1, 2008. No more than an aggregate amount of six hundred million dollars (\$600,000,000) of bonds may be issued under this act before July 1, 2009. No more than an aggregate amount of eight hundred million dollars (\$800,000,000) of bonds may be issued under this act before July 1, 2010.

1           **SECTION 3.** Definitions. – As used in this act, unless the context otherwise  
2 requires:

- 3           (1) "Bonds" means bonds issued under this act.  
4           (2) "Credit facility" means an agreement entered into by the State  
5 Treasurer on behalf of the State with a bank, savings and loan  
6 association, or other banking institution, an insurance company,  
7 reinsurance company, surety company, or other insurance institution, a  
8 corporation, investment banking firm, or other investment institution,  
9 or any financial institution or other similar provider of a credit facility,  
10 which provider may be located within or without the United States of  
11 America, such agreement providing for prompt payment of all or any  
12 part of the principal or purchase price (whether at maturity,  
13 presentment or tender for purchase, redemption, or acceleration),  
14 redemption premium, if any, and interest on any bonds or notes  
15 payable on demand or tender by the owner, in consideration of the  
16 State agreeing to repay the provider of the credit facility in accordance  
17 with the terms and provisions of such agreement.  
18           (3) "Notes" means notes issued under this act.  
19           (4) "Par formula" means any provision or formula adopted by the State to  
20 provide for the adjustment, from time to time, of the interest rate or  
21 rates borne by any bonds or notes, including:  
22           a. A provision providing for such adjustment so that the purchase  
23 price of such bonds or notes in the open market would be as  
24 close to par as possible,  
25           b. A provision providing for such adjustment based upon a  
26 percentage or percentages of a prime rate or base rate, which  
27 percentage or percentages may vary or be applied for different  
28 periods of time, or  
29           c. Such other provision as the State Treasurer may determine to be  
30 consistent with this act and will not materially and adversely  
31 affect the financial position of the State and the marketing of  
32 bonds or notes at a reasonable interest cost to the State.  
33           (5) "State" means the State of North Carolina.

34           **SECTION 4.** Use of bond proceeds. – The proceeds of the Land and Water  
35 Conservation Bonds shall be used as provided in this section. The proceeds of Land and  
36 Water Conservation Bonds shall be used as follows:

- 37           (1) Thirty-one and one-quarter percent (31.25%) of the proceeds of each  
38 issuance of Land and Water Conservation Bonds shall be used in the  
39 same manner as funds appropriated to the Natural Heritage Trust Fund  
40 created pursuant to G.S. 113-77.7.  
41           (2) Nineteen and three-quarters percent (19.75%) of the proceeds of each  
42 issuance of Land and Water Conservation Bonds shall be used in the  
43 same manner as funds appropriated to the Clean Water Management  
44 Trust Fund created pursuant to G.S. 113A-253.

- 1 (3) Seventeen and one-half percent (17.5%) of the proceeds of each  
2 issuance of Land and Water Conservation Bonds shall be used in the  
3 same manner as funds appropriated to the Parks and Recreation Trust  
4 Fund created pursuant to G.S. 113-44.15.
- 5 (4) Fifteen percent (15%) of the proceeds of each issuance of Land and  
6 Water Conservation Bonds shall be used in the same manner as funds  
7 appropriated to the North Carolina Farm and Forest Preservation Trust  
8 Fund created pursuant to G.S. 106-744.
- 9 (5) Fifteen percent (15%) of the proceeds of each issuance of Land and  
10 Water Conservation Bonds shall be used to fund the Landing Jobs  
11 Initiative created pursuant to G.S. 143B-437.102.
- 12 (6) One and one-half percent (1.5%) of the proceeds of each issuance of  
13 Land and Water Conservation Bonds shall be used to fund the One NC  
14 Naturally program administered by the Department of Environment  
15 and Natural Resources, Office of Conservation and Community  
16 Affairs.

17 **SECTION 5.** Natural Heritage Trust Fund. – (a) G.S. 113-77.8(a) reads as  
18 rewritten:

19 "(a) Expenditures from the Fund shall be authorized by a 12-member Board of  
20 Trustees. Four members shall be appointed by the Governor, four by the General  
21 Assembly upon the recommendation of the President Pro Tempore of the Senate in  
22 accordance with G.S. 120-121, and four by the General Assembly upon the  
23 recommendation of the Speaker of the House of Representatives in accordance with  
24 G.S. 120-121. Persons appointed shall be knowledgeable in the acquisition and  
25 management of natural ~~areas~~areas or historic properties. Each appointing officer shall  
26 designate one of his initial appointments to serve a two-year term, one to serve a  
27 four-year term, and one to serve a six-year term. Thereafter, all appointments shall be  
28 for six years, subject to reappointment. Appointments shall expire January 1 of  
29 even-numbered years. The Governor shall appoint one Trustee to serve as Chairman of  
30 the Board. The Secretary shall provide the Trustees with staff support and meeting  
31 facilities using expenditures from the Fund. The office of Trustee is declared to be an  
32 office that may be held concurrently with any other executive or appointive office,  
33 under the authority of Article VI, Section 9, of the North Carolina Constitution."

34 **SECTION 5.(b)** G.S. 113-77.9 reads as rewritten:

35 "**§ 113-77.9. ~~Acquisition of lands~~Permissible grants with funds from the Natural**  
36 **Heritage Trust Fund.**

37 (a) Proposals. – From time to time, but at least once each year, the Secretary, the  
38 Chairman of the North Carolina Wildlife Resources Commission, the Commissioner of  
39 Agriculture, and the Secretary of Cultural Resources may propose to the Trustees lands  
40 to be acquired with funds from the Fund. For each tract or interest proposed, the  
41 Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the  
42 Commissioner of Agriculture, and the Secretary of Cultural Resources shall provide the  
43 Trustees with the following information:

- 1           (1)    The value of the land and historic structures for recreation, forestry,  
2           fish and wildlife habitat, and wilderness purposes, and its consistency  
3           with ~~the planplans~~ developed pursuant to the State Parks Act, the  
4           State's comprehensive plan for outdoor recreation, parks, natural areas  
5           development, and wildlife management goals and  
6           objectives, ~~objectives~~, or with the historic preservation priorities and  
7           objectives developed by the Department of Cultural Resources.  
8           (2)    Any rare or endangered species on or near the land.  
9           (3)    Whether the land contains a relatively undisturbed and outstanding  
10           example of a native North Carolina ecological community that is now  
11           uncommon.  
12           (4)    Whether the land contains a major river or tributary, watershed,  
13           wetland, significant littoral, estuarine, or aquatic site, or important  
14           geologic feature.  
15           (5)    The extent to which the land represents a type of landscape, natural  
16           feature, or natural area that is not currently in the State's inventory of  
17           parks and natural areas.  
18           (5a) Whether the land is visible from a State or nationally designated scenic  
19           highway.  
20           (5b) The historical and cultural significance of any structures or  
21           archeological sites on the land.  
22           (6)    Other sources of funds that may be available to assist in acquiring the  
23           land.  
24           (7)    The State department or division that will be responsible for managing  
25           the ~~land~~ land or holding the easement.  
26           (8)    What assurances exist that the land or historic structure will not be  
27           used for purposes other than those for which it is being  
28           ~~acquired~~ acquired or improved.  
29           (9)    ~~Whether the site or structure is of such historical significance as to be~~  
30           ~~essential to the development of a balanced State program of historic~~  
31           ~~properties.~~  
32           (b)    Land Acquisition and Debt Service. – The Trustees may authorize  
33           expenditures from the Fund for the following purposes:  
34           (1)    To acquire land that represents the ecological diversity of North  
35           Carolina, including natural features such as riverine, montane, coastal,  
36           and geologic systems and other natural areas to ensure their  
37           preservation and conservation for recreational, scientific, educational,  
38           cultural, and aesthetic purposes, and to retire debt incurred for this  
39           purpose under Article 9 of Chapter 142 of the General Statutes.  
40           (2)    To acquire land as additions to the system of parks, State trails,  
41           aesthetic forests, fish and wildlife management areas, wild and scenic  
42           rivers, and natural areas for the beneficial use and enjoyment of the  
43           public, and to retire debt incurred for this purpose under Article 9 of  
44           Chapter 142 of the General Statutes.

1 (3) Subject to the limitations of subsection (b2) of this section, to acquire  
2 land ~~that contributes~~ and structures that contribute to the development  
3 of a balanced State program of historic properties.

4 (b1) Priorities. – In authorizing expenditures from the Fund to acquire land and  
5 structures pursuant to this Article, the first priority shall be the protection of land and  
6 structures 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~~ Land, structures, and sites with  
9 outstanding cultural heritage values ~~is land that are~~ those that are listed on the National  
10 Register of Historic Places or have been formally determined to be eligible for listing on  
11 the National Register of Historic Places, and have been ~~is~~ identified, inventoried, ~~or~~ and  
12 evaluated by the Department of Cultural Resources. The Trustees shall be guided by any  
13 priorities established by the Secretary, the Chairman of the Wildlife Resources  
14 Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources  
15 in their proposals made pursuant to subsection (a) of this section.

16 (b2) Historic Properties. – The Trustees may authorize expenditure of up to  
17 twenty-five percent (25%) of the funds credited to the Fund pursuant to G.S. 105-228.30  
18 during the preceding fiscal year to acquire land and structures under subdivision (3) of  
19 subsection (b) of this ~~section~~ section or to restore, rehabilitate, or repair historic  
20 structures under subdivision (3) of subsection (c) of this section. No other funds in the  
21 Fund may be used for expenditures to acquire land under subdivision (3) of subsection  
22 (b) or subdivision (3) of subsection (c) of this section.

23 (b3) Debt. – Of the funds credited annually to the Fund pursuant to  
24 G.S. 105-228.30, the Trustees may authorize expenditure of up to fifty percent (50%) to  
25 reimburse the General Fund for debt service on special indebtedness to be issued or  
26 incurred under Article 9 of Chapter 142 of the General Statutes for the purposes  
27 provided in subdivisions (b)(1) and (2) of this section. In order to authorize expenditure  
28 of funds for debt service reimbursement, the Trustees must identify to the State  
29 Treasurer and the Department of Administration the specific natural heritage projects  
30 for which they would like special indebtedness to be issued or incurred and the annual  
31 amount they intend to make available, and request the State Treasurer to issue or incur  
32 the indebtedness. After special indebtedness has been issued or incurred for a natural  
33 heritage project requested by the Trustees, the Trustees must direct the State Treasurer  
34 to credit to the General Fund each year the actual aggregate principal and interest  
35 payments to be made in that year on the special indebtedness, as identified by the State  
36 Treasurer.

37 (c) Other Purposes. – The Trustees may also authorize expenditures from the  
38 Fund ~~to~~ for the following purposes:

39 (1) To pay for the inventory of natural areas conducted under the Natural  
40 Heritage Program established pursuant to the Nature Preserves Act,  
41 Article 9A of Chapter 113A of the General Statutes.

42 (2) ~~The Trustees may also authorize expenditures from the Fund to~~ To pay  
43 for conservation and protection planning and for informational  
44 programs for owners of natural areas, as defined in G.S. 113A-164.3.

1           (3) To restore, rehabilitate, and repair historic structures routinely open to  
2           the public in which the State shall hold or acquire a property interest  
3           either in fee, easement, or reversionary interest in the site.

4           (4) To pay for the restoration or ecological management on land in natural  
5           areas through activities such as prescribed burnings, removal of exotic  
6           species, or similar efforts upon the recommendation of the Natural  
7           Heritage Program established pursuant to Article 9A of Chapter 113A  
8           of the General Statutes, provided that the State shall hold or acquire a  
9           property interest in the land either in fee, easement, or reversionary  
10           interest.

11           (d) Acquisition. – The Department of Administration may, pursuant to  
12 G.S. 143-341, acquire by purchase, gift, or devise all lands and interest in lands selected  
13 by the Trustees for acquisition pursuant to this Article. ~~Title to~~ The State shall hold a  
14 property interest, either in fee or easement, in any land acquired pursuant to this Article  
15 ~~shall be vested in the State.~~ Article. A State agency with management responsibility for  
16 land acquired pursuant to this Article may enter into a management agreement or lease  
17 with a county, city, town, or private nonprofit organization qualified under  
18 G.S. 105-151.12 and G.S. 105-130.34 and certified under section 501(c)(3) of the  
19 Internal Revenue Code to aid in managing the land. A management agreement or lease  
20 shall be executed by the Department of Administration pursuant to G.S. 143-341.

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

29           (e) Reports. – The Secretary shall maintain and revise twice each year a list of  
30 ~~acquisitions grants~~ made pursuant to this Article. The list shall include the acreage of  
31 each tract, the county in which the tract is located, the amount ~~paid~~ granted from the  
32 Fund to acquire the tract, and the State department or division responsible for managing  
33 the tract. The Secretary shall furnish a copy of the list to each Trustee, the Joint  
34 Legislative Commission on Governmental Operations, the House and Senate  
35 Appropriations Subcommittees on Natural and Economic Resources, the Fiscal  
36 Research Division, and the Environmental Review Commission within 30 days after  
37 each revision.

38           (f) Hunting and Fishing. – No provision of this Article shall be construed to  
39 eliminate hunting and fishing, as regulated by the laws of the State of North Carolina,  
40 upon properties purchased pursuant to this Article."

41           **SECTION 6.** North Carolina Farm and Forest Preservation Trust Fund. –  
42 G.S. 106-744 reads as rewritten:

1 "§ 106-744. Purchase of ~~agricultural~~ conservation easements; establishment of  
2 North Carolina Agricultural and Forestry Development and Farmland  
3 and Forest Preservation Trust Fund and Advisory Committee.

4 (a) A county or private nonprofit conservation organization may, with the  
5 voluntary consent of landowners, acquire by purchase ~~agricultural~~ conservation  
6 easements over qualifying farmland ~~as defined by G.S. 106-737~~ or qualifying  
7 forestland.

8 (b) For purposes of this section, "~~agricultural conservation easement~~" means a the  
9 following definitions apply:

10 (1) Conservation easement. – A negative easement in gross restricting  
11 residential, commercial, and industrial development of land for the  
12 purpose of maintaining its agricultural or forestry production  
13 capability. Such easement:

14 (1)a. May permit the creation of not more than three lots that meet  
15 applicable county zoning and subdivision regulations;

16 (1)a)b. May permit agricultural or forestry uses as necessary to  
17 promote agricultural or forestry development associated with  
18 the family ~~farm~~; and farm or forestry.

19 (2)c. Shall be perpetual in duration, provided that, at least 20 years  
20 after the purchase of an easement, a county may agree to  
21 reconvey the easement to the owner of the land for  
22 consideration, if the landowner can demonstrate to the  
23 satisfaction of the county that commercial agriculture or  
24 forestry is no longer practicable on the land in question.

25 (2) Qualifying farmland. – Land that is agricultural or horticultural land as  
26 defined in G.S. 105-277.2.

27 (3) Qualifying forestland. – Land that is forestland as defined in  
28 G.S. 105-277.2.

29 (c) There is established a 'North Carolina Agricultural and Forestry Development  
30 and Farmland and Forest Preservation Trust Fund' to be administered by the  
31 Commissioner of Agriculture. The Trust Fund shall consist of all monies received for  
32 the purpose of purchasing ~~agricultural~~ conservation easements or funding programs that  
33 promote the development and sustainability of farming or forestry and assist in the  
34 transition of existing farms or forests to new ~~farm~~ families, or monies transferred from  
35 counties or private sources. The Trust Fund shall be invested as provided in  
36 G.S. 147-69.2 and G.S. 147-69.3. The ~~Commissioner~~ Advisory Committee shall use  
37 Trust Fund monies for any of the following:

38 (1) The purchase of ~~agricultural~~ conservation easements, including  
39 transaction costs.

40 (2) Public and private enterprise programs that will promote profitable and  
41 sustainable family farms and forests through assistance to farmers or  
42 foresters in developing and implementing plans for the production of  
43 food, fiber, timber, and value-added products, agritourism activities,  
44 marketing and sales of agricultural or forestry products produced on

1 the ~~farm,~~ farm or forest, and other agriculturally or forestry related  
2 business activities.

3 (3) To fund conservation agreements to bring into or maintain farmland or  
4 forestland in active production of food, fiber, timber, and other  
5 ~~agricultural-natural~~ products.

6 (4) The costs of administering the program under this Article, including  
7 the cost of staff and staff support.

8 (c1) The Commissioner shall distribute Trust Fund monies for such purchases,  
9 including transaction costs, as follows:

10 (1) To a private nonprofit conservation organization that matches thirty  
11 percent (30%) of the Trust Fund monies it receives with funds from  
12 sources other than the Trust Fund.

13 (2) To counties according to the match requirements under subsection (c2)  
14 of this section.

15 (c2) A county that is an enterprise tier four county or an enterprise tier five  
16 county, as these tiers are defined in G.S. 105-129.3(a), and that has prepared a  
17 countywide farmland and forestland protection plan shall match fifteen percent (15%)  
18 of the Trust Fund monies it receives with county funds. A county that has not prepared a  
19 countywide farmland and forestland protection plan shall match thirty percent (30%) of  
20 the Trust Fund monies it receives with county funds. A county that is an enterprise tier  
21 one county, an enterprise tier two county, or an enterprise tier three county, as these  
22 counties are defined in G.S. 105-129.3(a), and that has prepared a countywide farmland  
23 and forestland protection plan shall not be required to match any of the Trust Fund  
24 monies it receives with county funds.

25 (c3) The Commissioner of Agriculture shall adopt rules governing the use,  
26 distribution, investment, and management of Trust Fund monies.

27 (d) This section shall apply to ~~agricultural~~-conservation easements falling within  
28 its terms. This section shall not be construed to make unenforceable any restriction,  
29 easement, covenant, or condition that does not comply with the requirements of this  
30 section.

31 This section shall not be construed to invalidate any farmland or forestry  
32 preservation program.

33 This section shall not be construed to diminish the powers of any public entity,  
34 agency, or instrumentality to acquire by purchase, gift, devise, inheritance, eminent  
35 domain, or otherwise and to use property of any kind for public purposes.

36 This section shall not be construed to authorize any public entity, agency, or  
37 instrumentality to acquire by eminent domain ~~an agricultural~~ conservation easement.

38 (e) As used in subsection (c2) of this section, a countywide farmland and  
39 forestland protection plan means a plan that satisfies all of the following requirements:

40 (1) The countywide farmland and forestland protection plan shall contain  
41 a list and description of existing agricultural and forestry activity in the  
42 county.



- 1 (2) The countywide farmland and forestland protection plan shall contain  
2 a list of existing challenges to continued family farming and forestry in  
3 the county.
- 4 (3) The countywide farmland and forestland protection plan shall contain  
5 a list of opportunities for maintaining or enhancing small,  
6 family-owned farms and forestries and the local agricultural and  
7 forestry economy.
- 8 (4) The countywide farmland and forestland protection plan shall describe  
9 how the county plans to maintain a viable agricultural and forestry  
10 community and shall address farmland and forestland preservation  
11 tools, such as agricultural and forestry economic development,  
12 including farm and forestry diversification and marketing assistance;  
13 other kinds of agricultural and forestry technical assistance, such as  
14 farm and forestry infrastructure financing, farmland and forestland  
15 purchasing, linking with younger ~~farmers,~~ farmers and foresters, and  
16 estate planning; the desirability and feasibility of donating ~~agricultural~~  
17 conservation easements, and entering into voluntary agricultural  
18 districts.
- 19 (5) The countywide farmland and forestland protection plan shall contain  
20 a schedule for implementing the plan and an identification of possible  
21 funding sources for the long-term support of the plan.

22 (f) A countywide farmland and forestland protection plan that meets the  
23 requirements of subsection (e) of this section may be formulated with the assistance of  
24 an agricultural advisory board designated pursuant to G.S. 106-739.

25 (g) There is established the Agricultural and Forestry Development and Farmland  
26 and Forest Preservation Trust Fund Advisory Committee. The Advisory Committee  
27 shall be administratively located within the Department of Agriculture and Consumer  
28 Services and shall advise the Commissioner on the prioritization and allocation of  
29 funds, the development of criteria for awarding funds, program planning, and other  
30 areas where monies from the Trust Fund can be used to promote the growth and  
31 development of family farms and forests in North Carolina. The Advisory Committee  
32 shall be composed of ~~19-25~~ members as follows:

- 33 (1) The Commissioner of Agriculture or the Commissioner's designee,  
34 who shall serve as the Chair of the Advisory Committee.
- 35 (2) The Secretary of Commerce or the Secretary's designee.
- 36 (3) The Secretary of Environment and Natural Resources or the  
37 Secretary's designee.
- 38 (4) Three practicing farmers, one appointed by the Governor, one  
39 appointed by the President Pro Tempore of the Senate, and one  
40 appointed by the Speaker of the House of Representatives.
- 41 (4a) Three forest landowners, one appointed by the Governor, one  
42 appointed by the President Pro Tempore of the Senate, and one  
43 appointed by the Speaker of the House of Representatives.

- 1 (5) The Dean of the College of Agriculture and Life Sciences at North  
2 Carolina State University or the Dean's designee.
- 3 (5a) The Dean of the College of Natural Resources at North Carolina State  
4 University or the Dean's designee.
- 5 (6) The Dean of the School of Agriculture and Environmental Sciences at  
6 North Carolina Agricultural and Technical State University or the  
7 Dean's designee.
- 8 (7) The Executive Director of the North Carolina Rural Economic  
9 Development Center, Inc., or the Executive Director's designee.
- 10 (8) The Executive Director of the Conservation Trust for North Carolina  
11 or the Executive Director's designee.
- 12 (9) The Executive Director of the North Carolina Farm Transition  
13 Network or the Executive Director's designee.
- 14 (10) The President of the North Carolina Association of Soil and Water  
15 Conservation Districts or the President's designee.
- 16 (10a) The Director of the North Carolina Division of Forest Resources or the  
17 Director's designee.
- 18 (10b) The Chairman of the North Carolina Tree Farm Committee or the  
19 Chairman's designee.
- 20 (11) The Director of the Southeast Regional Office of the American  
21 Farmland Trust or the Director's designee.
- 22 (12) The Executive Director of the North Carolina Agribusiness Council or  
23 the Executive Director's designee.
- 24 (13) The President of the North Carolina State Grange or the President's  
25 designee.
- 26 (14) The President of the North Carolina Farm Bureau Federation, Inc., or  
27 the President's designee.
- 28 (15) The President of the North Carolina Black Farmers and  
29 Agriculturalists Association or the President's designee.
- 30 (16) The President of the North Carolina Forestry Association or the  
31 President's designee.
- 32 (17) The Executive Director of the North Carolina Association of County  
33 Commissioners or the Executive Director's designee.

34 (h) The Advisory Committee shall meet at least quarterly. The Department of  
35 Agriculture and Consumer Services shall provide the Advisory Committee with  
36 administrative and secretarial staff. Members of the Advisory Committee shall be  
37 entitled to per diem pursuant to G.S. 138-5 or G.S. 138-6, as appropriate. The Advisory  
38 Committee shall make recommendations to the Commissioner on the distribution of  
39 monies from the Trust Fund at least annually. The Commissioner shall take the  
40 recommendations of the Advisory Committee into consideration in making decisions on  
41 the distribution of monies from the Trust Fund.

42 (i) The Advisory Committee shall report no later than May 1 of each year to the  
43 Joint Legislative Commission on Governmental Operations and the House of  
44 Representatives and Senate Appropriations Subcommittees on Natural and Economic

1 Resources regarding the activities of the Advisory Committee, the agriculture  
2 conservation easements purchased, and agricultural and forestry projects funded during  
3 the previous year."

4 **SECTION 7.** Landing Jobs Initiative. – Article 10 of Chapter 143B of the  
5 General Statutes is amended by adding a new Part to read:

6 "Part 2K. Landing Jobs Initiative.

7 "**§ 143B-437.100. Legislative findings and purpose.**

8 The General Assembly finds that:

- 9 (1) It is the policy of the State of North Carolina to stimulate economic  
10 activity and to create new jobs for the citizens of the State by  
11 encouraging and promoting the expansion of existing business and  
12 industry within the State and by recruiting and attracting new business  
13 and industry to the State.
- 14 (2) The State is blessed with an abundance of natural and cultural  
15 resources and has a rich historical heritage which could serve as the  
16 basis for building a thriving economic sector, and the State's economic  
17 development efforts to date have failed to fully utilize these resources  
18 and heritage.
- 19 (3) The enactment of this Part is necessary to stimulate the economy,  
20 facilitate economic recovery, and create new jobs in North Carolina;  
21 and this Part will promote the general welfare and confer, as its  
22 primary purpose and effect, benefits on citizens throughout the State  
23 through the creation of new jobs, an enlargement of the overall tax  
24 base, an expansion and diversification of the State's commercial base,  
25 and an increase in revenue to the State and its political subdivisions.

26 "**§ 143B-437.101. Definitions.**

27 The following definitions apply in this Part:

- 28 (1) Council. – The Landing Jobs Council created pursuant to  
29 G.S. 143B-437.103.
- 30 (2) NCCDI. – The North Carolina Community Development Initiative,  
31 Inc.
- 32 (3) Small business. – Defined in G.S. 105-129.50.

33 "**§ 143B-437.102. Landing Jobs Initiative.**

34 (a) Creation. – There is established the Landing Jobs Initiative to be administered  
35 by NCCDI in consultation with the Council. In order to foster job creation and  
36 economic development, NCCDI may make grants to local governments and nonprofit  
37 organizations as provided in this Part. The Landing Jobs Initiative shall be located  
38 administratively in the Department of Commerce but shall exercise its statutory powers  
39 and duties independently of the Department of Commerce.

40 (b) Purpose. – The purpose of the Initiative is to foster job creation and economic  
41 development while utilizing the State's natural, cultural, and historic resources. In  
42 awarding grants under this Part, NCCDI and the Council shall consider only those  
43 projects that promote one of the following goals:

- 1           (1) Sustainable tourism development and related projects that attract a  
2 broad range of visitors and focus on natural, cultural, historic, or  
3 agricultural resources.
- 4           (2) Agribusiness-related projects that promote family farms, sustainable  
5 aquaculture, value-added agricultural processing, or new markets for  
6 agricultural or aquacultural products.
- 7           (3) Sustainable forestry projects that support community ownership and  
8 management of forestlands, sustainable harvests of timber, wood  
9 products, and nonwood forest products such as mushrooms or pine  
10 straw, and value-added processing of these products.
- 11           (4) Start-up, support, or expansion of entrepreneurial enterprises that  
12 utilize the State's natural, cultural, and historic heritage.
- 13           (5) The rehabilitation and reuse of historic buildings and downtown areas  
14 in ways which foster further economic development.
- 15           (6) The development of high-quality neighborhoods in low-wealth areas in  
16 a manner that is consistent with sound environmental policies.

17       (c) Type of Assistance. – NCCDI, upon consultation with the Council, may make  
18 grants under this Part to promote the purposes listed in subsection (b) of this section.  
19 The following types of assistance are allowed under this Part:

- 20           (1) Planning grants. – NCCDI may award a planning grant to a local  
21 government unit, nonprofit entity, or a group of local government  
22 units, nonprofit entities, or both to develop community-based plans for  
23 promotion of economic development projects that promote one or  
24 more of the goals listed in subsection (b) of this section.
- 25           (2) Project implementation grants. – NCCDI may award a project  
26 implementation grant to a local government unit or nonprofit entity to  
27 assist these entities in implementing plans developed to promote one  
28 or more of the economic development goals listed in subsection (b) of  
29 this section.

30 **"§ 143B-437.103. Landing Jobs Council established.**

31       (a) Membership. – The Landing Jobs Council is established. The Council  
32 consists of the following 11 members appointed by NCCDI:

- 33           (1) Two members selected from nominations received from the Governor.
- 34           (2) Two members selected from nominations received from the President  
35 Pro Tempore of the Senate.
- 36           (3) Two members selected from nominations received from the Speaker of  
37 the House of Representatives.
- 38           (4) Four members selected from nominations received from stakeholder  
39 organizations representing low-wealth communities, historical  
40 preservation interests, downtown revitalization interests,  
41 entrepreneurs, or other related constituencies.
- 42           (5) One member selected by NCCDI who shall serve as chair of the  
43 Council.

1       (b) Duties. – The Council shall review applications for grants and loans received  
2 pursuant to G.S. 143B-437.104 and make funding recommendations to NCCDI. The  
3 Council may act only upon a decision of a majority of its members.

4       (c) Sunshine. – Meetings of the Council are subject to the open meetings  
5 requirements of Article 33C of Chapter 143 of the General Statutes. All documents of  
6 the Council, including applications for grants, are public records governed by Chapter  
7 132 of the General Statutes and any applicable provisions of the General Statutes  
8 protecting confidential information.

9 **"§ 143B-437.104. Applications; report; study.**

10       (a) Application. – A local government unit or nonprofit entity, or a group of  
11 these entities, shall apply, under oath, to the Council for a grant on a form prescribed by  
12 the Council that includes at least all of the following:

13           (1) The location of the project.

14           (2) A description of the project including a statement of how the project  
15 will help promote economic development through one or more of the  
16 goals listed in G.S. 143B-437.102.

17           (3) Any other information necessary for the Committee to evaluate the  
18 application.

19       (b) Report. – NCCDI, in consultation with the Council, shall publish a report on  
20 the Landing Jobs Initiative on or before April 30 of each year. The report shall include  
21 the following:

22           (1) A listing of each grant awarded during the preceding calendar year,  
23 including the name of the entities receiving the grant, a description of  
24 the project, and the amount of the grant.

25           (2) An update on the status of projects that received grants in the past.

26           (3) The effectiveness of the program in developing new businesses and  
27 jobs.

28           (4) The environmental impact of projects that have received grants or  
29 loans under the initiative.

30           (5) The geographic distribution of grants and loans, by number and  
31 amount, awarded under the program.

32       (c) Study. – The Council shall conduct a study to determine the minimum  
33 funding level required to implement the Landing Jobs Initiative successfully. The  
34 Committee shall report the results of this study to the House of Representatives  
35 Appropriations Subcommittee on Natural and Economic Resources, the Senate  
36 Appropriations Committee on Natural and Economic Resources, and the Fiscal  
37 Research Division no later than March 1 of each year."

38       **SECTION 8.** Clean Water Management Trust Fund. – G.S. 113A-256 is  
39 amended by adding a new subsection to read:

40       "(k) Local Reimbursement. – In any county in an enterprise tier one or two area,  
41 as designated under G.S. 105-129.3, in which real property was purchased pursuant to  
42 this section, the Fund shall annually reimburse that county and any other local taxing  
43 unit for a period of 10 years from funds available to the Fund in an amount equal to the

1 amount of ad valorem taxes that would have been paid to the taxing unit if the property  
2 had remained subject to taxation."

3         **SECTION 9.** Allocation of proceeds. – The proceeds of Land and Water  
4 Conservation Bonds and notes, including premium thereon, if any, except the proceeds  
5 of bonds the issuance of which has been anticipated by bond anticipation notes or the  
6 proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special  
7 fund to be designated "Land and Water Conservation Bonds Fund", which may include  
8 such appropriate special accounts therein as may be determined by the State Treasurer  
9 and shall be disbursed as provided in this act. Moneys in the Land and Water  
10 Conservation Bonds Fund shall be allocated and expended as provided in this act.

11         Any additional moneys which may be received by means of a grant or grants  
12 from the United States of America or any agency or department thereof or from any  
13 other source for deposit to the Land and Water Conservation Bonds Fund may be placed  
14 in the Land and Water Conservation Bonds Fund or in a separate account or fund and  
15 shall be disbursed, to the extent permitted by the terms of the grant or grants, without  
16 regard to any limitations imposed by this act.

17         Moneys in the Land and Water Conservation Bonds Fund or any separate  
18 fund or account established under this act may be invested from time to time by the  
19 State Treasurer in the same manner permitted for investment of moneys belonging to  
20 the State or held in the State treasury, except with respect to grant money to the extent  
21 otherwise directed by the terms of the grant. Investment earnings, except investment  
22 earnings with respect to grant moneys to the extent otherwise directed or restricted by  
23 the terms of the grant, may be (i) credited to the Land and Water Conservation Bonds  
24 Fund or any separate fund or account established under this act, (ii) used to pay debt  
25 service on the bonds authorized by this act, (iii) used to satisfy compliance with  
26 applicable requirements of the federal tax law, or (iv) transferred to the General Fund of  
27 the State.

28         The proceeds of bonds and notes may be used with any other moneys made  
29 available by the General Assembly for purposes authorized by this act, including the  
30 proceeds of any other State bond issues, whether heretofore made available or which  
31 may be made available at the session of the General Assembly at which this act is  
32 ratified or any subsequent sessions. The proceeds of bonds and notes shall be expended  
33 and disbursed under the direction and supervision of the Director of the Budget. The  
34 funds provided by this act shall be disbursed for the purposes provided in this act upon  
35 warrants drawn on the State Treasurer by the State Controller, which warrants shall not  
36 be drawn until requisition has been approved by the Director of the Budget and which  
37 requisition shall be approved only after full compliance with the Executive Budget Act,  
38 Article 1 of Chapter 143 of the General Statutes.

39         **SECTION 10.** Election. – The question of the issuance of the bonds  
40 authorized by this act shall be submitted to the qualified voters of the State at an  
41 election to be held on the first Tuesday after the first Monday of November 2006. Any  
42 other primary, election, or referendum validly called or scheduled by law at the time the  
43 election on the bond question provided for in this section is held may be held as called  
44 or scheduled. Notice of the election shall be given in the manner and at the times

1 required by G.S. 163-33(8). The election and the registration of voters therefor shall be  
2 held under and in accordance with the general laws of the State. Absentee ballots shall  
3 be authorized in the election.

4 The State Board of Elections shall reimburse the counties of the State for all  
5 necessary expenses incurred in holding the election that are in addition to those that  
6 would have otherwise been incurred, the same to be paid out of the Contingency and  
7 Emergency Fund or other funds available to the State Board of Elections.

8 Ballots, voting systems authorized by Article 14 of Chapter 163 of the  
9 General Statutes, or both, may be used in accordance with rules prescribed by the State  
10 Board of Elections. The bond questions to be used in the ballots or voting systems shall  
11 be in substantially the following form:

12 "[ ] FOR [ ] AGAINST

13 THE NORTH CAROLINA LAND AND WATER CONSERVATION  
14 BONDS

15 To protect drinking water sources, protect fish and wildlife habitat, preserve working  
16 farms, restore historic landmarks, repair, improve, and expand State and local natural  
17 areas, parks, and trails, and prevent polluted runoff from contaminating rivers, lakes,  
18 and streams, the issuance of one billion dollars (\$1,000,000,000) State of North  
19 Carolina Land and Water Conservation Bonds, constituting general obligation bonds of  
20 the State secured by a pledge of the faith and credit and taxing power of the State for the  
21 purpose of providing funds, with any other available funds, to pay all or a portion of the  
22 cost of land acquisition and capital improvements, with all spending subject to an  
23 annual public audit."

24 If a majority of those voting on the bond question in the election vote in favor  
25 of the issuance of the bonds, those bonds may be issued as provided in this act. If a  
26 majority of those voting on the bond question in the election vote against the issuance of  
27 the bonds, those bonds shall not be issued.

28 The results of the election shall be canvassed and declared as provided by law  
29 for elections for State officers; the results of the election shall be certified by the State  
30 Board of Elections to the Secretary of State, in the manner and at the time provided by  
31 the general election laws of the State.

32 **SECTION 11.** Issuance of bonds and notes. (a) Terms and Conditions. –  
33 Bonds or notes may bear such date or dates, may be serial or term bonds or notes, or any  
34 combination thereof, may mature in such amounts and at such time or times, not  
35 exceeding 40 years from their date or dates, may be payable at such place or places,  
36 either within or without the United States of America, in such coin or currency of the  
37 United States of America as at the time of payment is legal tender for payment of public  
38 and private debts, may bear interest at such rate or rates, which may vary from time to  
39 time, and may be made redeemable before maturity, at the option of the State or  
40 otherwise as may be provided by the State, at such price or prices, including a price less  
41 than or greater than the face amount of the bonds or notes, and under such terms and  
42 conditions, all as may be determined by the State Treasurer, by and with the consent of  
43 the Council of State.

1           **SECTION 11.(b)** Signatures; Form and Denomination; Registration. –  
2 Bonds or notes may be issued in certificated or uncertificated form. If issued in  
3 certificated form, bonds or notes shall be signed on behalf of the State by the Governor  
4 or shall bear the Governor's facsimile signature, shall be signed by the State Treasurer  
5 or shall bear the State Treasurer's facsimile signature, and shall bear the Great Seal of  
6 the State, or a facsimile of the Seal shall be impressed or imprinted thereon. If bonds or  
7 notes bear the facsimile signatures of the Governor and the State Treasurer, the bonds or  
8 notes shall also bear a manual signature which may be that of a bond registrar, trustee,  
9 paying agent, or designated assistant of the State Treasurer. Should any officer whose  
10 signature or facsimile signature appears on bonds or notes cease to be such officer  
11 before the delivery of the bonds or notes, the signature or facsimile signature shall  
12 nevertheless have the same validity for all purposes as if the officer had remained in  
13 office until delivery. Bonds or notes may bear the facsimile signatures of persons who  
14 at the actual time of the execution of the bonds or notes shall be the proper officers to  
15 sign any bond or note although at the date of the bond or note such persons may not  
16 have been such officers. The form and denomination of bonds or notes, including the  
17 provisions with respect to registration of the bonds or notes and any system for their  
18 registration, shall be as the State Treasurer may determine in conformity with this act.

19           **SECTION 11.(c)** Manner of Sale; Expenses. – Subject to the approval by  
20 the Council of State as to the manner in which bonds or notes shall be offered for sale,  
21 whether at public or private sale, whether within or without the United States, and  
22 whether by publishing notices in certain newspapers and financial journals, mailing  
23 notices, inviting bids by correspondence, negotiating contracts of purchase or otherwise,  
24 the State Treasurer is authorized to sell bonds or notes at one time or from time to time  
25 at any rate or rates of interest, which may vary from time to time, and at any price or  
26 prices, including a price less than or greater than the face amount of the bonds or the  
27 notes, as the State Treasurer may determine. All expenses incurred in the preparation,  
28 sale, and issuance of bonds or notes shall be paid by the State Treasurer from the  
29 proceeds of bonds or notes or other available moneys.

30           **SECTION 11.(d)** Notes; Repayment.

- 31           (1) By and with the consent of the Council of State, the State Treasurer is  
32 hereby authorized to borrow money and to execute and issue notes of  
33 the State for the same, but only in the following circumstances and  
34 under the following conditions:  
35           a. For anticipating the sale of bonds the issuance of which the  
36 Council of State has approved, if the State Treasurer considers  
37 it advisable to postpone the issuance of the bonds;  
38           b. For the payment of interest on or any installment of principal of  
39 any bonds then outstanding, if there are not sufficient funds in  
40 the State treasury with which to pay the interest or installment  
41 of principal as they respectively become due;  
42           c. For the renewal of any loan evidenced by notes herein  
43 authorized;  
44           d. For the purposes authorized in this act; and



1 e. For refunding bonds or notes as herein authorized.

- 2 (2) Funds derived from the sale of bonds or notes may be used in the  
3 payment of any bond anticipation notes issued under this act. Funds  
4 provided by the General Assembly for the payment of interest on or  
5 principal of bonds shall be used in paying the interest on or principal  
6 of any notes and any renewals thereof, the proceeds of which shall  
7 have been used in paying interest on or principal of the bonds.

8 **SECTION 11.(e)** Refunding Bonds and Notes. – By and with the consent of  
9 the Council of State, the State Treasurer is authorized to issue and sell refunding bonds  
10 and notes for the purpose of refunding bonds or notes issued pursuant to this act and to  
11 pay the cost of issuance of the refunding bonds or notes. The refunding bonds and notes  
12 may be combined with any other issues of State bonds and notes similarly secured.  
13 Refunding bonds or notes may be issued at any time prior to the final maturity of the  
14 debt or obligation to be refunded. The proceeds from the sale of any refunding bonds or  
15 notes shall be applied to the immediate payment and retirement of the bonds or notes  
16 being refunded or, if not required for the immediate payment of the bonds or notes  
17 being refunded, the proceeds shall be deposited in trust to provide for the payment and  
18 retirement of the bonds or notes being refunded and to pay any expenses incurred in  
19 connection with the refunding. Money in a trust fund may be invested in (i) direct  
20 obligations of the United States government, (ii) obligations the principal of and interest  
21 on which are guaranteed by the United States government, (iii) obligations of any  
22 agency or instrumentality of the United States government if the timely payment of  
23 principal and interest on the obligations is unconditionally guaranteed by the United  
24 States government, or (iv) certificates of deposit issued by a bank or trust company  
25 located in the State if the certificates are secured by a pledge of any of the obligations  
26 described in (i), (ii), or (iii) above having an aggregate market value, exclusive of  
27 accrued interest, equal at least to the principal amount of the certificates so secured.  
28 This section does not limit the duration of any deposit in trust for the retirement of  
29 bonds or notes being refunded but that have not matured and are not presently  
30 redeemable, or if presently redeemable, have not been called for redemption.

31 **SECTION 11.(f)** Tax Exemption. – Bonds and notes shall at all times be  
32 free from taxation by the State or any political subdivision or any of their agencies,  
33 excepting estate, inheritance, or gift taxes, income taxes on the gain from the transfer of  
34 the securities, and franchise taxes. The interest on the bonds and notes is not subject to  
35 taxation as income.

36 **SECTION 11.(g)** Investment Eligibility. – Bonds and notes are securities in  
37 which all of the following may invest, including capital in their control or belonging to  
38 them: public officers, agencies, and public bodies of the State and its political  
39 subdivisions, all insurance companies, trust companies, investment companies, banks,  
40 savings banks, savings and loan associations, credit unions, pension or retirement funds,  
41 other financial institutions engaged in business in the State, executors, administrators,  
42 trustees, and other fiduciaries. Bonds and notes are hereby made securities which may  
43 properly and legally be deposited with and received by any officer or agency of the  
44 State or political subdivision of the State for any purpose for which the deposit of

1 bonds, notes, or obligations of the State or any political subdivision is now or may  
2 hereafter be authorized by law.

3       **SECTION 11.(h)** Faith and Credit. – The faith and credit and taxing power  
4 of the State are hereby pledged for the payment of the principal of and the interest on  
5 bonds and notes. In addition to the State's right to amend any provision of this act to the  
6 extent it does not impair any contractual right of a bond owner, the State expressly  
7 reserves the right to amend any provision of this act with respect to the making and  
8 repayment of loans, the disposition of any repayments of loans, and any intercept  
9 provisions relating to the failure of a local government unit to repay a loan, the bonds  
10 not being secured in any respect by loans, any repayments thereof, or any intercept  
11 provisions with respect thereto.

12       **SECTION 11.(i)** Minority Business Participation. – The State Treasurer  
13 shall provide contracting opportunities for historically underutilized businesses in  
14 providing professional services in connection with the issuance of bonds and notes  
15 authorized by this act. As used in this subsection, the term "historically underutilized  
16 business" means a business described in G.S. 143-48. The State Treasurer shall strive to  
17 increase the amount of legal, financial, and other professional services acquired by it  
18 from historically underutilized businesses. With the assistance of the Office for  
19 Historically Underutilized Businesses in the Department of Administration, the State  
20 Treasurer shall set objectives for contracting with these businesses, identify and  
21 eliminate barriers or constraints that may restrict these businesses from contracting with  
22 the State Treasurer, and develop a plan for meeting its objectives. The State Treasurer  
23 shall report quarterly to the Office for Historically Underutilized Businesses on its  
24 progress in carrying out the requirements of this subsection.

25       **SECTION 11.(j)** Other Agreements. – The State Treasurer may authorize,  
26 execute, obtain, or otherwise provide for bond insurance, investment contracts, credit  
27 and liquidity facilities, interest rate swap agreements and other derivative products, and  
28 any other related instruments and matters the State Treasurer determines are desirable in  
29 connection with the issuance of bonds or notes. The State Treasurer is authorized to  
30 employ and designate any financial consultants, underwriters, and bond attorneys to be  
31 associated with any bond issue under this act as the State Treasurer considers necessary.

32       **SECTION 12.** Variable rate demand bonds and notes. – In fixing the details  
33 of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

- 34       (1) Be made payable from time to time on demand or tender for purchase  
35       by the owner if a credit facility supports the bonds or notes, unless the  
36       State Treasurer specifically determines that a credit facility is not  
37       required upon a finding and determination by the State Treasurer that  
38       the absence of a credit facility will not materially or adversely affect  
39       the financial position of the State and the marketing of the bonds or  
40       notes at a reasonable interest cost to the State;
- 41       (2) Be additionally supported by a credit facility;
- 42       (3) Be made subject to redemption or a mandatory tender for purchase  
43       prior to maturity;

1 (4) Bear interest at a rate or rates that may vary for any period of time, as  
2 may be provided in the proceedings providing for the issuance of the  
3 bonds or notes, including, without limitation, such variations as may  
4 be permitted pursuant to a par formula; and

5 (5) Be made the subject of a remarketing agreement whereby an attempt is  
6 made to remarket bonds or notes to new purchasers prior to their  
7 presentment for payment to the provider of the credit facility or to the  
8 State.

9 If the aggregate principal amount payable by the State under a credit facility  
10 is in excess of the aggregate principal amount of bonds or notes secured by the credit  
11 facility, whether as a result of the inclusion in the credit facility of a provision for the  
12 payment of interest for a limited period of time or the payment of a redemption  
13 premium or for any other reason, then the amount of authorized but unissued bonds or  
14 notes during the term of such credit facility shall not be less than the amount of such  
15 excess, unless the payment of such excess is otherwise provided for by agreement of the  
16 State executed by the State Treasurer.

17 **SECTION 13.** Interpretation of act. – (a) Additional Method. – The  
18 foregoing sections of this act shall be deemed to provide an additional and alternative  
19 method for the doing of the things authorized thereby and shall be regarded as  
20 supplemental and additional to powers conferred by other laws, and shall not be  
21 regarded as in derogation of any powers now existing.

22 **SECTION 13.(b)** Statutory References. – References in this act to specific  
23 sections or Chapters of the General Statutes or to specific acts are intended to be  
24 references to these sections, Chapters, or acts as they may be amended from time to  
25 time by the General Assembly.

26 **SECTION 13.(c)** Broad Construction. – This act, being necessary for the  
27 health and welfare of the people of the State, shall be broadly construed to effect the  
28 purposes thereof.

29 **SECTION 13.(d)** Inconsistent Provisions. – Insofar as the provisions of this  
30 act are inconsistent with the provisions of any general, special, or local laws, or parts  
31 thereof, the provisions of this act shall be controlling.

32 **SECTION 13.(e)** Severability. – If any provision of this act or the  
33 application thereof to any person or circumstance is held invalid, such invalidity shall  
34 not affect other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this act are  
36 declared to be severable.

37 **SECTION 14.** There is appropriated from the General Fund the following  
38 sums for the 2006-2007 fiscal year for planning for the use of proceeds authorized under  
39 this act:

- 40 (1) Fifty thousand dollars (\$50,000) to the Natural Heritage Trust Fund.  
41 (2) Fifty thousand dollars (\$50,000) to the Clean Water Management  
42 Trust Fund.  
43 (3) Fifty thousand dollars (\$50,000) to the Parks and Recreation Trust  
44 Fund.

1           (4) Fifty thousand dollars (\$50,000) to the North Carolina Farm and  
2           Forest Preservation Trust Fund.

3           (5) Fifty thousand dollars (\$50,000) to the Department of Commerce for a  
4           grant to the North Carolina Community Development Initiative for the  
5           Landing Jobs Initiative.

6           (6) Fifty thousand dollars (\$50,000) to the Department of Environment  
7           and Natural Resources.

8           (7) Fifty thousand dollars (\$50,000) to the Department of Cultural  
9           Resources.

10           **SECTION 15.** Section 14 of this act becomes effective July 1, 2006.  
11           Sections 5(a), 8, and the revisions to G.S. 113-77.9(a) through (c) become effective  
12           January 1, 2007, but only upon certification by the State Board of Elections that a  
13           majority of those voting on the bond question in Section 10 of this act voted in favor of  
14           the issuance of the bonds. The remainder of this act is effective when it becomes law.