

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 571

Short Title: State Park Land Acquisition Funds.

(Public)

Sponsors: Senators Sherron, Cochrane, Shaw, Tally, Winner; Carpenter, Daughtry, Johnson of Wake, Kaplan, Murphy, Odom, Sands, Smith, Soles, Taft, and Ward.

Referred to: Environment and Natural Resources.

March 22, 1989

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO PURCHASE CRITICAL LANDS AND IN-HOLDINGS IN EXISTING STATE PARKS AND TO PROVIDE EMERGENCY LAND ACQUISITION ASSISTANCE TO CREATE A NEW STATE PARK IN CHEROKEE COUNTY.

Whereas, Section 5 of Article 14 of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas, and in every other appropriate way to preserve as a part of the common heritage of this State its openlands and places of beauty; and

Whereas, the General Assembly found it appropriate to establish the State Parks System, enacting the State Parks Act and directing that the tax dollars of the State should be expended in an efficient manner to assure that the State Parks System is adequate to accomplish its Constitutional mission; and

Whereas, the General Assembly has invested a total of seventy-three million eight hundred fifty-nine thousand four hundred ninety-three dollars (\$73,859,493) in the State Parks System since its inception in 1915 and did provide an appropriation of twenty-five million dollars (\$25,000,000) in 1985 for the purpose of purchasing critical lands for the State Parks; and

Whereas, the General Assembly recognizes that the rising price of land across the State necessitates prompt action in securing the critical land and in-holdings to protect the State's investment in its State Parks System; and

Whereas, there are no State Parks west of Mount Mitchell, and a great number of citizens and visitors to the State between Asheville and Murphy should be served as well to accomplish these goals; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. The General Assembly finds that the continuing purchase of
3 critical lands and in-holdings in the existing units of the State Parks System is in
4 keeping with the highest purposes of public policy and in concert with Constitutional
5 provisions and State law and is necessary to fully protect its already significant
6 investment in the State's natural heritage.

7 Sec. 2. The General Assembly finds that the lack of State Park facilities west
8 of Mount Mitchell has caused a certain portion of the State's citizenry to go without the
9 benefits of having a State Park in that region, as identified in the State Parks
10 Systemwide Plan submitted to the General Assembly in 1989, and that such a deficiency
11 should be corrected.

12 Sec. 3. There is appropriated from the General Fund to the Department of
13 Natural Resources and Community Development, Division of Parks and Recreation, the
14 sum of ten million dollars (\$10,000,000) for the 1989-90 fiscal year to purchase land, in
15 fee simple or easement, at State parks at Carolina Beach, Cliffs of the Neuse, Crowders
16 Mountain, Merchants Millpond, Lake James, the New River, Goose Creek, and
17 Mitchell's Mill, and the sum of ten million dollars (\$10,000,000) for the 1990-91 fiscal
18 year to purchase land, in fee simple or easement, at State parks at Eno River, Morrow
19 Mountain, Raven Rock, White Lake, Hammocks Beach, Mt. Mitchell, and all State
20 rivers and trails in North Carolina.

21 Of the funds appropriated in this section from the General Fund to the
22 Department of Natural Resources and Community Development for the 1989-90 fiscal
23 year, some of the funds shall be used for the emergency purchase of approximately 524
24 acres known as the "Tarheel Foundation" tract, now under option by the City of Murphy
25 and the County of Cherokee. Provided, that this area shall not be considered as part of
26 the State Parks System until the requirements of Article 2C of Chapter 113 of the
27 General Statutes are met but shall be land banked until such time as an appropriate
28 decision is made by the General Assembly on this issue.

29 Sec. 4. G.S. 113-44.9 reads as rewritten:

30 **"§ 113-44.9 Definitions.**

31 As used in this Article, unless the context requires otherwise:

32 (1) 'Department' means the Department of Natural Resources and
33 Community Development.

34 (2) 'Park' means any tract of land or body of water comprising part of
35 the State Parks System under this Article, including existing State
36 parks, State natural areas, State recreation areas, State trails, State
37 rivers, ~~and State lakes,~~ and State resort areas.

38 (3) 'Plan' means State Parks System Plan.

39 (4) 'Secretary' means the Secretary of the Department of Natural
40 Resources and Community Development.

41 (5) 'State Parks System' or 'system' mean all those lands and waters
42 which comprise the parks system of the State as established under
43 this Article."

44 Sec. 5. This act shall become effective July 1, 1989.