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SENATE BILL 788

Short Title: Natural Heritage Fund/Private Grants.   (Public)

Sponsors: Senators Clodfelter; Dannelly, Gulley, Horton, and Odom.

Referred to: Judiciary I.

April 7, 1999

1   A BILL TO BE ENTITLED
2   AN ACT TO AUTHORIZE CERTAIN PRIVATE NONPROFIT LAND
3   CONSERVATION ORGANIZATIONS TO ACQUIRE CERTAIN LANDS WITH
4   FUNDS FROM THE NATURAL HERITAGE TRUST FUND UNDER CERTAIN
5   CONDITIONS.
6   The General Assembly of North Carolina enacts:
7   Section 1. G.S. 113-77.9(b2) reads as rewritten:
8   "(b2) The Trustees may authorize expenditure of up to twenty-five percent (25%) of
9   the funds credited to the Fund pursuant to G.S. 105-228.30 during the preceding fiscal
10 year for the Department of Administration to acquire land under subdivision (3) of
11 subsection (b) of this section. No other funds in the Fund may be used for expenditures to
12 acquire land under subdivision (3) of subsection (b) of this section. A private nonprofit
13 land conservation organization shall not acquire land under subdivision (3) of subsection
14 (b) of this section."
15   Section 2. G.S. 113-77.9(d) reads as rewritten:
16   "(d) The Department of Administration may, pursuant to G.S. 143-341, acquire by
17 purchase, gift, or devise all lands selected by the Trustees for acquisition pursuant to this
18 Article. A private nonprofit land conservation organization may acquire by purchase,
19 gift, or devise lands selected by the Trustees for acquisition under subdivision (1) or (2)
20 of subsection (b) of this section subject to all of the following conditions:

1   (1)   The land conservation organization is both organized to receive and
2   administer lands for conservation purposes and qualified to receive
3   charitable contributions pursuant to G.S. 105-130.9.
4   (2)   The land conservation organization enters into a management agreement
5   with the Secretary.
6   (3)   The land conservation organization dedicates the land as a nature
7   preserve pursuant to G.S. 113A-164.6.
8   (4)   The land conservation organization conveys a deed of assignment that
9   provides for the State to assume control of the land in the event the land
10   conservation organization ceases to exist or the Secretary determines
11   that the land conservation organization has failed to enforce the terms of
12   the management agreement under subdivision (1) of this subsection.
13 Title to any land acquired by the Department of Administration pursuant to this Article
14 shall be vested in the State. A State agency with management responsibility for land
15 acquired by the Department of Administration pursuant to this Article may enter into a
16 management agreement or lease with a county, city, town, or private nonprofit
17 organization qualified under G.S. 105-151.12 and G.S. 105-130.34 and certified under
18 section 501(c)(3) of the Internal Revenue Code to aid in managing the land. A
19 management agreement or lease under this subsection shall be executed by the
20 Department of Administration pursuant to G.S. 143-341."
21   Section 3. G.S. 113-77.9(e) reads as rewritten:
22 "(e)   The Secretary shall maintain and revise twice each year a list of acquisitions
23 made pursuant to this Article. The list shall include whether the land was acquired by the
24 State or by a private nonprofit land conservation organization and, if the latter, its name,
25 the acreage of each tract, the county in which the tract is located, the amount paid from
26 the Fund to acquire the tract, and the State ~~department or division~~ department, State
27 division, or private nonprofit land conservation organization responsible for managing
28 the tract. The Secretary shall furnish a copy of the list to each Trustee, the Joint
29 Legislative Commission on Governmental Operations, the House and Senate
30 Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research
31 Division, and the Environmental Review Commission within 30 days after each
32 revision."
33   Section 4. This act becomes effective July 1, 1999, and applies to acquisitions
34 of land made with funds from the Natural Heritage Trust Fund on or after that date.