

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1405  
SENATE BILL 899

AN ACT RELATING TO THE PURCHASE AND DEVELOPMENT OF PARK LANDS, RECREATION AREAS AND OTHER LANDS IN THEIR NATURAL UNALTERED CONDITION AND TO THE ACQUISITION OF OTHER LANDS AND PROPERTY; THE NORTH CAROLINA LAND CONSERVANCY CORPORATION SHALL HAVE THE POWER TO BUY, SELL, CONVEY, MORTGAGE OR LEASE ANY INTEREST IN SUCH PROPERTY.

The General Assembly of North Carolina enacts:

**Section 1.** There is hereby created a body politic and corporate to be known as the "North Carolina Land Conservancy Corporation".

**Sec. 2.** Legislative Findings and Purposes. The General Assembly finds and declares that there is a public purpose and interest in acquiring and developing certain lands of the State in their natural and unaltered condition which are of value to the citizens of the State as sources of recreation, solitude, and as reminders of our natural and cultural heritage and in acquiring other lands and property, which may be of great benefit to State government and to the public at large.

The General Assembly further finds that the State lacks a mechanism that permits maximum flexibility in land acquisition. Thus, the State is often unable to purchase land at public auction, foreclosures, estate settlements, commercial offerings, private offerings, or other types of forced or rapid sale. The General Assembly also finds that the State lacks a mechanism that will permit it to move quickly when desirable tracts become available. Such delays in acquiring valuable land mean that when lands are ultimately purchased the price is generally greater than the initial asking price.

Therefore, the General Assembly declares that a mechanism to accomplish the aforesaid public purpose should be established and sanctioned by the General Assembly of North Carolina and that such action is in the public interest.

**Sec. 3.** Board of Trustees. The Board of Trustees of the North Carolina Land Conservancy Corporation, hereinafter referred to as the Trustees, shall be composed of and governed by nine members. The Governor shall appoint five Trustees of the Corporation who shall be residents of the State and who may hold other public offices. The Speaker of the House of Representatives shall appoint two Trustees of the Corporation from the House of Representatives, and the Lieutenant Governor shall appoint two Trustees of the Corporation from the Senate, who shall serve as Trustees during their term of office, or until their successor is duly appointed and qualified. The State Treasurer, the Secretary of Administration, and the Secretary of Natural and Economic Resources, or their designees, shall be ex-officio non-voting Trustees.

Insofar as possible the voting Trustees should come from different regions of the State. The Governor shall appoint one Trustee of the Corporation for a one-year term, two of the Trustees of the Corporation for a two-year term, and two of the Trustees of the Corporation for a three-year term, as designated by the Governor, and until their successors shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person

appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Board of Trustees shall be eligible for reappointment. Each member of the Board of Trustees appointed by the Governor may be removed by the Governor for misfeasance, malfeasance or wilful neglect of duty after reasonable notice and a public hearing, unless the same are in writing expressly waived. Each Trustee of the Corporation appointed by the Governor before entering upon his duty shall take an oath to administer the duties of his office faithfully and impartially and a record of such oath shall be filed in the office of the Secretary of State. The Governor shall designate a member of the Board of Trustees to serve as Chairman. The term of the Chairman of the Board of Trustees shall extend for a period of one year. The Trustees shall annually elect one of its members as Vice Chairman. The Secretary of Administration, or his designee, shall serve as Executive Director and Secretary to the Corporation.

Five members of the Board of Trustees shall constitute a quorum and the affirmative vote of a majority of the members present at a duly called meeting shall be necessary for any action taken by the Trustees, except adjournment. Trustees shall receive no compensation for their services, but shall be entitled to receive, from the funds of the Corporation, for attendance at meetings of the Corporation or any committee thereof, and for other services for the Corporation, reimbursement for such actual expenses as may be incurred for travel and subsistence in the performance of official duties and, only as to members appointed by the Governor, such per diem as is allowed by law for members of other State boards, commissions, and committees.

**Sec. 4.** The Executive Director. The Executive Director shall administer, manage, and direct the affairs and business of the Corporation, subject to the policies, control, and direction of the members of the Corporation. The Secretary of the Corporation shall keep a record of the proceedings of the Corporation and shall be custodian of all books, documents, and papers filed with the Corporation, the minute book or journal of the Corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Corporation, and to give certificates under the official seal of the Corporation to the effect that such copies are true copies and all persons dealing with the Corporation may rely on such certificates. All records and documents will be subject to audit by the State Auditor.

**Sec. 5.** Powers of the Board of Trustees. The Corporation shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but without limitation, the foregoing powers:

- (1) to adopt an official seal and alter the same at its pleasure;
- (2) to adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;
- (3) to maintain an office in the City of Raleigh;
- (4) to collect and pay reasonable fees and charges in connection with making, purchasing and servicing its loans, notes, bonds, commitments and other evidence of indebtedness;
- (5) to procure insurance against any loss in connection with its operations in such amounts, and from such insurers, as it may deem necessary or desirable;
- (6) to solicit financial support from various private sources within and without the State of North Carolina;
- (7) to make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the Corporation under this act, including contracts with any firm, person, corporation, governmental agency or other entity and each and any North Carolina

- governmental agency is hereby authorized to enter into contracts and otherwise cooperate with the Corporation to facilitate the purpose of the act;
- (8) to receive, administer and comply with the conditions and requirements respecting any appropriation, loan, gift, grant, bond issue, or donation of any property or money;
  - (9) to cooperate and participate with any non-profit conservation organizations whose principal purpose is the protection and preservation of natural areas, in projects and activities of mutual interest and furtherance of the foregoing purposes and objects;
  - (10) to sue and be sued in its own name, plead and be impleaded;
  - (11) to preserve or aid in the preservation of all types of natural areas, features, objects, flora and fauna and biotic communities;
  - (12) to buy, own, sell, convey, assign, mortgage or lease any interest in real estate, including but not limited to fee simple interest and life estates, and personal property.

**Sec. 6.** No property may be sold to or purchased from a member of the Board of Trustees, nor from the spouse, descendant, parent, partner of a Trustee; nor from any other person of closer kin than first cousin of a Trustee; nor from any firm, corporation, partnership, trust, or other business in which a Trustee, his spouse, his descendants, his parents, his partners, or any other person of closer kin than first cousin of a Trustee, has a financial interest of whatever kind.

**Sec. 7.** The purpose of the Corporation is to acquire land for eventual use by the State of North Carolina. To this end, the Corporation shall offer to sell any assets it acquires to the State of North Carolina, and its agencies, at the same price at which such lands were purchased by the Corporation plus all reasonable and necessary expenses of acquisition.

**Sec. 8.** This Corporation is a non-profit State body corporate. The assets of the Corporation shall be the property of the State of North Carolina. No profits or assets of the Corporation shall enure to the benefit of any member of the Board of Trustees.

**Sec. 9.** The Corporation may not use appropriated State funds to purchase real property, unless the Corporation shall have first obtained the approval of the Department of Administration, and the Governor and Council of State, in the manner provided in Chapter 146 of the General Statutes of North Carolina.

**Sec. 10.** No land shall be purchased, leased, sold, assigned, or mortgaged and no options shall be taken on any land by the Corporation without the prior approval of the Council of State.

**Sec. 11.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.