

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 443
HOUSE BILL 272

AN ACT TO PRESCRIBE THE CONDITIONS AND PROCEDURES UNDER WHICH
PROPERTIES MAY BE PLACED IN THE STATE NATURE AND HISTORIC
PRESERVE.

The General Assembly of North Carolina enacts:

Section 1. Short Title. This act shall be known and may be cited as the State Nature and Historic Preserve Dedication Act.

Sec. 2. Purpose. It is the purpose of this act to prescribe the conditions and procedures under which properties may be specially dedicated for the purposes enumerated by Article XIV, Section 5 of the North Carolina Constitution ("Conservation of Natural Resources"), accepted by the General Assembly for said purposes, and thereby constituted part of the State Nature and Historic Preserve.

Sec. 3. Procedures. (a) The Council of State may petition the General Assembly to adopt a resolution pursuant to Article XIV, Section 5 of the North Carolina Constitution, accepting any properties owned by the State of North Carolina (or proposed for gift to or purchase by the State) and designated in said petition for inclusion in the State Nature and Historic Preserve.

(b) The governing body of any local government, or any combination of two or more such bodies may petition the General Assembly to adopt a resolution pursuant to Article XIV, Section 5 of the North Carolina Constitution, accepting any properties owned by said local government (or proposed for gift to or purchase by said local government) and designated in said petition for inclusion in the State Nature and Historic Preserve.

(c) The petition referred to in subsections (a) and (b) of this section shall identify the properties sought to be included in the Preserve. The General Assembly may then by joint resolution accept the designated properties in the Preserve and adoption of said resolution by the General Assembly shall constitute the special dedication and acceptance of the designated properties in the State Nature and Historic Preserve contemplated by Article XIV, Section 5 of the North Carolina Constitution.

(d) In order to provide accessible information to the public concerning the State Nature and Historic Preserve, every resolution accepting properties in the Preserve shall be codified in the General Statutes. A certified copy of every resolution accepting properties in the Preserve shall be transmitted by the Secretary of State to the register of deeds in each county wherein said properties, or any part of them, are located, for filing and indexing in the grantor index.

(e) Within the meaning of this section:

- (i) "Local governing body" means, as the case may be, the board of commissioners of a county, the city council (or equivalent legislative body) of a city, or the board of aldermen or board of commissioners (or equivalent legislative body) of a town.
- (ii) "Local government" means a county, city or town.
- (iii) "Properties" include any properties or interest in properties acquired by purchase or gift.

(f) This act shall constitute an exclusive procedure only for placing properties in the State Nature and Historic Preserve, and shall not preclude the dedication of properties by other means for purposes identical or similar to those enumerated by Article XIV, Section 5 of the North Carolina Constitution.

(g) It is the intent of this act to complement any applicable provisions of federal and State law and regulations relating to dedication or acceptance of properties for purposes similar to those enumerated by Article XIV, Section 5 of the North Carolina Constitution. The Council of State is hereby authorized to adopt rules and regulations to implement the provisions of this act, including rules and regulations consistent with this act to comport with applicable federal and State law and regulations. A copy of this act, and of any such rules or regulations affecting properties owned by local governments shall be filed by the Council of State with the chairman of the local governing body of every county, city and town within thirty days after ratification or adoption as the case may be.

Sec. 4. The dedication of property to the State Nature and Historic Preserve shall not prevent the administering state agency or local governing body from carrying out normal maintenance and improvement of existing structures or facilities that are appropriate to, and consistent with, the purpose for which the property in question was obtained by the state agency or local governing body.

Sec. 5. Effective Date. This act shall become effective on July 1, 1973.

In the General Assembly read three times and ratified, this the 10th day of May, 1973.