

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 433\*

Short Title: Fees at State Parks.

(Public)

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Sponsors: Representatives N. Crawford, DeVane, Foster; Abernethy, Albertson, Anderson, Arnold, Barbee, Barnes, Barnhill, Beall, Beard, Blue, Bowen, Bowie, Bowman, Brawley, Brown, Brubaker, Buchanan, Burke, Chapin, Church, Colton, Cooper, Craven, Creech, Cromer, Culp, Cunningham, Dawkins, Diamont, Dickson, Diggs, Duncan, Easterling, Edwards, Esposito, L. Etheridge, B. Ethridge, Fitch, Flaherty, Fletcher, Fussell, Gardner, Gibson, Gist, Grady, Greenwood, Hackney, Hall, Hardaway, Hasty, Hege, Holmes, Holt, Howard, Huffman, Jack Hunt, Judy Hunt, S. Hunt, H. Hunter, Hurley, Isenhower, James, Jeralds, Jones, Justus, Kennedy, Kimsey, Lail, Ligon, Lilley, Lineberry, Locks, Loflin, Lutz, McLaughlin, Mercer, Michaux, Miller, Mills, Nesbitt, Nye, Payne, Perdue, Pope, Privette, Ramsey, Redwine, Rhodes, Rhyne, Robinson, Rogers, Sizemore, Stam, Stamey, Stewart, Tallent, Tart, R. Thompson, S. Thompson, Warner, Warren, Weatherly, Wicker, P. Wilson, W. Wilson, Wisner, Wood, and Woodard.

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Referred to: Basic Resources.

March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FEES COLLECTED AT STATE PARKS REMAIN IN THE BUDGET OF THE PARK THAT COLLECTED THE FEE AND NOT REVERT TO THE GENERAL FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-34 reads as rewritten:

"§ 113-34. Power to acquire lands as State forests, parks, etc.; donations or leases by United States; leases for recreational purposes; rules governing public use; ; parks fees.

The Governor of the State is authorized upon recommendation of the Department of Natural Resources and Community Development to accept gifts of land to the State, the same to be held, protected, and administered by said Department of Natural Resources

1 and Community Development as State forests, and to be used so as to demonstrate the  
2 practical utility of timber culture and water conservation, and as refuges for game. Such  
3 gifts must be absolute except in such cases as where the mineral interest on the land has  
4 previously been sold. The State Department of Natural Resources and Community  
5 Development shall have the power to purchase lands in the name of the State, suitable  
6 chiefly for the production of timber, as State forests, for experimental, demonstration,  
7 educational, park, and protection purposes, using for such purposes any special  
8 appropriations or funds available. The State Department of Natural Resources and  
9 Community Development shall also have the power to acquire by condemnation under  
10 the provisions of Chapter 40, such areas of land in different sections of the State as may  
11 in the opinion of the Department of Natural Resources and Community Development be  
12 necessary for the purpose of establishing and/or developing State forests, State parks  
13 and other areas and developments essential to the effective operation of the State  
14 forestry and State park activities with which the Department of Natural Resources and  
15 Community Development has been or may be entrusted. Such condemnation  
16 proceedings shall be instituted and prosecuted in the name of the State of North  
17 Carolina, and any property so acquired shall be administered, developed and used for  
18 experiment and demonstration in forest management, for public recreation and for such  
19 other purposes authorized or required by law: Provided, that before any action or  
20 proceeding under this section can be exercised, the approval of the Governor and  
21 Council of State shall be obtained and filed with the clerk of the superior court in the  
22 county or counties where such property may be situate, and until such approval is  
23 obtained, the rights and powers conferred by this section shall not be exercised. The  
24 Attorney General of the State is directed to see that all deeds to the State for land  
25 mentioned in this section are properly executed before the gift is accepted or payment of  
26 the purchase money is made.

27 The Department of Natural Resources and Community Development is further  
28 authorized and empowered to accept as gifts to the State of North Carolina such forest  
29 and submarginal farmland acquired by said federal government as may be suitable for  
30 the purpose of creating and maintaining State-controlled forests, game refuges, public  
31 shooting grounds, State parks, State lakes, and other recreational areas, or to enter into  
32 longtime leases with the federal government for such areas and administer them with  
33 such funds as may be secured from their administration in the best interest of longtime  
34 public use, supplemented by such necessary appropriations as may be made by the  
35 General Assembly. The Department of Natural Resources and Community  
36 Development is further empowered to segregate State hunting and fishing licenses, use  
37 permits, and concessions and other proper revenue secured through the administration  
38 of such forests, game refuges, public shooting grounds, State parks, State lakes, and  
39 other recreational areas to be deposited in the State treasury to the credit of the  
40 Department to be used for the administration of these areas.

41 The Department of Natural Resources and Community Development, with the  
42 approval of the Governor and Council of State, is further authorized and empowered to  
43 enter into leases of lands and waters for State parks, State lakes and recreational  
44 purposes; and the State Department of Natural Resources and Community Development

1 may construct, operate and maintain on said lands and waters suitable public service  
2 facilities and conveniences and may charge and collect reasonable fees for

3 (1) The erection, maintenance and use of docks, piers and such other  
4 structures as may be permitted in or on said waters under its own  
5 regulations;

6 (2) Fishing privileges in said waters, provided that such privileges shall be  
7 extended only to holders of bona fide North Carolina fishing licenses,  
8 and provided further that all State fishing laws and rules are complied  
9 with.

10 Notwithstanding any other provision of law, the fees collected under this section for  
11 State parks shall be in addition to the appropriations to the Department of Natural  
12 Resources and Community Development and shall not revert to the State Treasury to  
13 the credit of the General Fund, but shall remain in the budget of the park that collected  
14 the fee.

15 The Department of Natural Resources and Community Development may make  
16 reasonable rules for the operation and use of boats or other craft on the surface of the  
17 said waters but shall not be authorized to charge or collect fees for such operation or  
18 use.

19 The Department may make reasonable rules for the regulation of the use by the  
20 public of said lands and waters and of public service facilities and conveniences  
21 constructed thereon, and said rules shall have the force and effect of law and any  
22 violation of such rules shall constitute a misdemeanor and shall be punishable by a fine  
23 of not more than fifty dollars (\$50.00) or imprisonment of not more than 30 days.

24 The authority herein granted is in addition to other authority now held and exercised  
25 by the Department of Natural Resources and Community Development."

26 Sec. 2. G.S. 113-35 reads as rewritten:

27 "**§ 113-35. State timber may be sold by Department of Natural Resources and**  
28 **Community Development; forest nurseries; control over parks, etc.;**  
29 **operation of public service facilities; concessions to private concerns.**  
30 **;parks fees.**

31 Timber and other products of such State forestlands may be sold, cut and removed  
32 under rules of the Department of Natural Resources and Community Development. The  
33 Department shall have authority to establish and operate forest tree nurseries and forest  
34 tree seed orchards. Forest tree seedlings and seed from these nurseries and seed orchards  
35 may be sold to landowners of the State for purposes of forestation under rules of the  
36 Department of Natural Resources and Community Development. When the Secretary of  
37 Natural Resources and Community Development determines that a surplus of seedlings  
38 or seed exists, this surplus may be sold, and such sale shall be in conformity with the  
39 following priority of sale: first, to agencies of the federal government for planting in the  
40 State of North Carolina; second, to commercial nurseries and nurserymen within this  
41 State; and third, without distinction, to federal agencies, to other states, and to  
42 recognized research organizations for planting either within or outside of this State. The  
43 Department shall make reasonable rules for the regulation of the use by the public of  
44 such and all State forests, State parks, State lakes, game refuges and public shooting

1 grounds under its charge, which rules, after having been posted in conspicuous places  
2 on and adjacent to such properties of the State and at the courthouse of the county or  
3 counties in which such properties are situated shall have the force and effect of law and  
4 any violation of such rules shall constitute a misdemeanor and shall be punishable by a  
5 fine of not more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30  
6 days.

7 The Department may construct and operate within the State forests, State parks,  
8 State lakes and any other areas under its charge suitable public service facilities and  
9 conveniences, and may charge and collect reasonable fees for the use of same; it may  
10 also charge and collect reasonable fees for:

- 11 (1) The erection, maintenance and use of docks, piers and such other  
12 structures as may be permitted in or on State lakes under its own  
13 regulations;
- 14 (2) Hunting privileges on State forests and fishing privileges in State  
15 forests, State parks and State lakes, provided that such privileges shall  
16 be extended only to holders of bona fide North Carolina hunting and  
17 fishing licenses, and provided further that all State game and fish laws  
18 are complied with.

19 Notwithstanding any other provision of law, the fees collected under this section for  
20 State parks shall be in addition to the appropriations to the Department of Natural  
21 Resources and Community Development and shall not revert to the State Treasury to  
22 the credit of the General Fund, but shall remain in the budget of the park that collected  
23 the fee.

24 The Department of Natural Resources and Community Development may make  
25 reasonable rules for the operation and use of boats or other craft on the surface of the  
26 said waters but shall not be authorized to charge or collect fees for such operation or  
27 use.

28 The Department may also grant to private individuals or companies concessions for  
29 operation of public service facilities for such periods and upon such conditions as the  
30 Department of Natural Resources and Community Development shall deem to be in the  
31 public interest. The department may make reasonable rules for the regulations  
32 [regulation] of the use by the public of the public service facilities and conveniences  
33 herein authorized, which rules shall have the force and effect of law, and any violation  
34 of such rules shall constitute a misdemeanor and shall be punishable by a fine of not  
35 more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30 days."

36 Sec. 3. This act shall become effective July 1, 1989.