

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 390  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/11/19  
House Committee Substitute Favorable 6/3/20  
Fourth Edition Engrossed 6/4/20

Short Title: DuPont State Forest-Financial Study.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO CREATE A PLAN FOR FEES AND CHARGES TO SUPPORT FINANCIAL SUSTAINABILITY AND PROPER STEWARDSHIP OF DUPONT STATE RECREATIONAL FOREST AND TO DIRECT THAT A PORTION OF PROCEEDS FROM THE SALE OF CERTAIN STATE PROPERTY BE TRANSFERRED TO THE CLEAN WATER MANAGEMENT TRUST FUND AND THE PARKS AND RECREATION TRUST FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Department of Agriculture and Consumer Services shall study the finances and operating model of DuPont State Recreational Forest (Forest) and create a plan for a sustainable income stream that will help preserve and protect the Forest. At a minimum, the Department should include the following components in its study and plan:

- (1) A financial model based on data from other in-State and out-of-state models.
- (2) An entry fee that will favor North Carolina citizens and require out-of-state visitors to contribute towards the sustainable operation of the Forest in proportion to their use of facilities and amenities funded by State taxpayers.
- (3) A recommendation for legislative action needed to ensure that Forest receipts may only be utilized for the capital, maintenance, and operational needs of the Forest.
- (4) Capital projects and operational changes needed to improve the safety of visitors to the Forest that currently park on the roadside.

**SECTION 1.(b)** The Department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on or before August 1, 2021.

**SECTION 2.** Article 7 of Subchapter II of Chapter 146 of the General Statutes is amended by adding a new section to read:

**"§ 146-30.2. Calculation of net proceeds from the sale of State-owned real property located outside the State Capitol area.**

(a) Limitation. – Notwithstanding G.S. 146-30 or any other provision of law, net proceeds from the sale of State-owned real property that is located outside of the State Capitol area shall be calculated in accordance with this section.



1       (b) State Capitol Area. – For the purposes of this section, the term "State Capitol area"  
2 shall mean that area of land located in the City of Raleigh and situated within the following  
3 boundaries:

- 4           (1) Peace Street on the north.
- 5           (2) Capital Blvd./Dawson Street on the west.
- 6           (3) Morgan Street on the south.
- 7           (4) Person Street on the east.

8       (c) Calculation of Net Proceeds. – For the purposes of this section, the term "net  
9 proceeds" means the gross amount received from the sale of State-owned real property located  
10 outside of the State Capitol area, less the following:

- 11           (1) Any expenses incurred incident to that sale as may be allowed under rules and  
12 regulations adopted by the Governor and approved by the Council of State.
- 13           (2) A service charge to be paid into the State Land Fund, unless such service  
14 charge is prohibited by G.S. 146-30.
- 15           (3) An amount equal to twelve and one-half percent (12.5%) of the gross amount  
16 received to be paid into the Clean Water Management Trust Fund established  
17 under G.S. 143B-135.234(a).
- 18           (4) An amount equal to twelve and one-half percent (12.5%) of the gross amount  
19 received to be paid into the Parks and Recreation Trust Fund established under  
20 G.S. 143B-135.56(a).

21       (d) Application of Proceeds. – Except as otherwise provided in this section, net proceeds  
22 shall be handled in accordance with the provisions of G.S. 146-30.

23       (e) Exception. – This section shall not apply to proceeds derived from the sale of land or  
24 property originally purchased with, under the supervision and control of, or maintained with  
25 funds from the State Highway Fund or proceeds derived from the disposition of residue property  
26 pursuant to G.S. 136-19.7."

27       **SECTION 3.** This act is effective when it becomes law.