

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

2

SENATE BILL 486

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/20/15

Short Title: NC Trail Expansion/Economic Corridors.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE ECONOMIC DEVELOPMENT THROUGH THE EXPANSION OF
3 THE STATE TRAILS NETWORK.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. NORTH CAROLINA TRAILS MANAGEMENT TRUST FUND**

7 **SECTION 1.(a)** Article 10 of Chapter 143B of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 143B-434.2A. North Carolina Trails Management Trust Fund.**

10 (a) The North Carolina Trails Management Trust Fund is created as a special revenue
11 fund in the Department of Environment and Natural Resources. If the State Parks System is
12 transferred to another State agency, then the Fund shall also be transferred to that State agency.
13 The purpose of the Fund shall be to assist with the completion of the Mountains-to-Sea Trail
14 and the completion and connection of municipal and regional greenways and trail systems to
15 the Mountains-to-Sea Trail in order to encourage increased utilization by both residents and
16 nonresidents of the State and to foster economic development and job growth along the Trail
17 corridor. The North Carolina Trails Committee, in consultation with the Travel and Tourism
18 Board, shall review all applications for funds and approve or reject projects for funding.

19 (b) Revenue for the North Carolina Trails Management Trust Fund shall come from:

20 (1) Any funds appropriated by the General Assembly.

21 (2) A surcharge authorized under G.S. 113-35(b2) on all fees charged for access,
22 use, and services provided at parks within the State Parks System.

23 (3) Gifts, grants, or contributions to the State that are specifically designated for
24 inclusion in the Fund.

25 (c) The Department shall hold the Fund separate and apart from all other money, funds,
26 and accounts. Any investment earnings credited to assets of the Fund shall become part of the
27 Fund. Any balance remaining in the Fund at the end of any fiscal year shall not revert and shall
28 be carried forward in the Fund for the next succeeding fiscal year.

29 (d) Moneys from the Fund shall be allocated and used only for the following purposes:

30 (1) Sixty-five percent (65%) (i) to acquire fee simple title, lesser estates,
31 easements, leases, or other written agreements with owners of private land
32 and (ii) for capital projects, repairs and renovations, and the development,
33 construction, and maintenance of ancillary facilities directly related to the
34 use of the Mountains-to-Sea Trail system.

35 (2) Thirty-five percent (35%) to acquire fee simple title, lesser estates,
36 easements, leases, or other written agreements with owners of private land



1 for the purpose of completing connections of local and regional greenways
2 and trails to the Mountains-to-Sea Trail.

3 (e) Moneys from the Fund shall be expended in the following order of priority:

4 (1) Acquisition of property for trail corridors.

5 (2) Trail construction, not to include paving.

6 (3) Maintenance, repairs and renovations, and related ancillary facilities."

7 **SECTION 1.(b)** G.S. 113-35 is amended by adding a new subsection to read:

8 "(b2) The Department may add a reasonable surcharge to fees authorized under this
9 section to provide revenue for the North Carolina Trails Management Trust Fund. The portion
10 of the fee designated as the surcharge shall be transferred annually to the Fund."

11 **SECTION 1.(c)** The Department of Environment and Natural Resources or any
12 other department given responsibility for State parks shall, as soon as practicable but no later
13 than January 1, 2016, implement a revised fee schedule for all fees authorized at parks and
14 trails within the State Parks System. The revised fees shall include the surcharge authorized
15 under Section 1(b) of this act to provide revenue for the North Carolina Trails Management
16 Trust Fund. Implementation of the fees shall be exempt from rule making under
17 G.S. 150B-1(d)(27). For the first year, the surcharge shall not exceed one dollar (\$1.00).
18 Thereafter, the surcharge may be increased or decreased as necessary in the discretion of the
19 Secretary of Environment and Natural Resources. In no event shall the surcharge be less than
20 fifty cents (50¢).

21 **PART II. TRAVEL AND TOURISM BOARD; ECONOMIC DEVELOPMENT** 22 **ACCOUNTABILITY & STANDARDS COMMITTEE**

23 **SECTION 2.(a)** G.S. 143B-434.1 reads as rewritten:

24 "**§ 143B-434.1. The North Carolina Travel and Tourism Board – creation, duties,**
25 **membership.**

26 (a) There is created within the Department of Commerce the North Carolina Travel and
27 Tourism Board. The Secretary of Commerce and the ~~Director of the Division of Tourism, Film,~~
28 ~~and Sports Development~~ CEO of the Economic Development Partnership of North Carolina
29 will work with the Board to fulfill the duties and requirements set forth in this section, and to
30 promote the sound development of the travel and tourism industry in North Carolina.

31 (b) The function and duties of the Board shall be:

32 (1) To advise the Secretary of Commerce in the formulation of policy and
33 priorities for the promotion and development of travel and tourism in the
34 State.

35 (2) To advise the Secretary of Commerce in the development of a budget for ~~the~~
36 ~~Division of Tourism, Film, and Sports Development.~~ Visit North Carolina, a
37 unit of the Economic Development Partnership of North Carolina.

38 (3) To recommend programs to the Secretary of Commerce that will promote
39 the State as a travel and tourism destination and that will develop travel and
40 tourism opportunities throughout the State.

41 (4) To advise the Secretary of Commerce every three months as to the
42 effectiveness of agencies with which the ~~Department~~ Economic
43 Development Partnership of North Carolina has contracted for advertising
44 and regarding the selection of an advertising agency that will assist ~~the~~
45 ~~Department~~ Visit North Carolina in the promotion of the State as a travel
46 and tourism destination.

47 (5) ~~To name a three member subcommittee, with one member from each of the~~
48 ~~eastern, central, and western regions of the State, to make recommendations~~
49 ~~to the Secretary of Commerce regarding any revisions in the matching funds~~
50

- 1 ~~tourism grants program, project applications, and criteria for projects that~~
2 ~~qualify for participation in the program.~~
- 3 (6) To advise the Secretary of Commerce from time to time as to the
4 effectiveness of the overall operations of ~~the Division of Tourism, Film, and~~
5 ~~Sports Development.~~Visit North Carolina.
- 6 (7) To promote the exchange of ideas and information on travel and tourism
7 between State and local governmental agencies, and private organizations
8 and individuals.
- 9 (8) To advise the Secretary of Commerce upon any matter that the Secretary,
10 Governor, or ~~Director of the Division of Tourism, Film, and Sports~~
11 ~~Development~~Vice-President of Tourism for the Economic Development
12 Partnership of North Carolina may refer to it.
- 13 (9) To promote policies that support tourism in North Carolina.
- 14 (10) To advise the General Assembly on tourism policy matters upon request of
15 the Joint Legislative Oversight Committee on Governmental Operations or
16 the House or Senate Appropriations Committee on General Government.
- 17 (c) The Board shall consist of ~~29~~15 members as follows:
- 18 (1) The Secretary of Commerce, who shall not be a voting member.
- 19 (1a) The CEO of the Economic Development Partnership of North Carolina or
20 the CEO's designee, who shall not be a voting member.
- 21 (2) ~~The Director of the Division of Tourism, Film, and Sports Development,~~
22 ~~who shall not be a voting member.~~
- 23 (3) ~~Two members~~One member designated by the Board of Directors of the
24 North Carolina Restaurant and Lodging Association, representing the
25 lodging sector.
- 26 (4) ~~Two members~~One member designated by the Board of Directors of the
27 North Carolina Restaurant and Lodging Association, representing the
28 restaurant sector.
- 29 (4a) One member of the Destination Marketing Association of North Carolina
30 designated by the Board of Directors of the Destination Marketing
31 Association of North Carolina.
- 32 (5) ~~Three Directors of Convention and Visitor Bureaus designated by the Board~~
33 ~~of Directors of the North Carolina Association of Convention and Visitor~~
34 ~~Bureaus.~~
- 35 (6) The ~~Chairperson~~Chair of the Travel and Tourism Coalition or the
36 ~~Chairperson's~~Chair's designee.
- 37 (6a) One person who is a member of the Travel and Tourism Coalition
38 designated by the Board of Directors of the Travel and Tourism Coalition.
- 39 (7) ~~The President of the North Carolina Travel Industry Association.~~
- 40 (8) A member designated by the Board of Directors of the North Carolina
41 Travel Industry Association.
- 42 (9) ~~The President of the North Carolina Chamber.~~
- 43 (10) ~~One member designated by the North Carolina Petroleum Marketers~~
44 ~~Association.~~
- 45 (11) Two persons appointed by the Speaker of the House of Representatives. One
46 person shall be associated with the tourism industry attractions in North
47 Carolina, appointed by the Speaker of the House of Representatives. One
48 and one person who is shall not be a member of the General Assembly,
49 appointed by the Speaker of the House of Representatives.Assembly.
- 50 (12) Two persons appointed by the President Pro Tempore of the Senate. One
51 person shall be associated with the ~~tourism related transportation~~ tourism

- 1 industry, appointed by the President Pro Tempore of the Senate. ~~One and~~
2 ~~one person who shall is not be~~ a member of the General Assembly,
3 ~~appointed by the President Pro Tempore of the Senate.~~Assembly.
4 (13) ~~Four public members each interested in matters relating to travel and~~
5 ~~tourism, two appointed by the Governor (one from a rural area and one from~~
6 ~~an urban area), one appointed by the Speaker of the House, and one~~
7 ~~appointed by the President Pro Tempore of the Senate.~~
8 (14) ~~One member associated with the major cultural resources and activities of~~
9 ~~the State in North Carolina, Two members~~ appointed by the
10 ~~Governor.~~Governor, one of whom is involved in the tourism industry.
11 (14a) One member-at-large appointed by the Board of the Economic Development
12 Partnership of North Carolina.
13 (15) ~~Two members of the House of Representatives, appointed by the Speaker of~~
14 ~~the House of Representatives.~~
15 (16) ~~Two members of the Senate, appointed by the President Pro Tempore of the~~
16 ~~Senate.~~
17 (17) ~~Two members designated by the Board of Directors of North Carolina~~
18 ~~Watermen United who represent the charter boat/headboat industry.~~

19 (d) The members of the Board shall serve the following terms: the Secretary of
20 Commerce, ~~the Director of the Division of Tourism, Film, and Sports Development, the CEO~~
21 ~~of the Economic Development Partnership of North Carolina, and the Chairperson~~Chair of the
22 ~~Travel and Tourism Coalition,~~Coalition the President of the North Carolina Travel Industry
23 ~~Association, and the President of the North Carolina Chamber~~ shall serve on the Board while
24 they hold their respective offices. Each member of the Board appointed by the Governor shall
25 serve during his or her term of office. The members of the Board appointed by the General
26 Assembly shall serve two-year terms beginning on ~~January~~ September 1 of odd-numbered
27 years and ending on ~~December 31 of the following year.~~August 31. The first such term shall
28 begin on ~~January 1, 1991,~~September 1, 2015, or as soon thereafter as the member is appointed
29 to the Board, and end on ~~December 31, 1992.~~August 31, 2017. All other members of the Board
30 shall serve a term which ~~consists of~~ includes the portion of calendar year ~~1991-2015~~ that
31 remains following their appointment or designation and ends on August 31, 2016, and,
32 thereafter, two-year terms which shall begin on ~~January~~ September 1 of an even-numbered year
33 and end on ~~December 31 of the following year.~~August 31. The first such two-year term shall
34 begin on ~~January 1, 1992,~~September 1, 2016, and end on ~~December 31, 1994.~~August 31, 2018.

35 (e) No member of the Board, except a member serving by virtue of his or her office,
36 shall serve during more than five consecutive calendar years, except that a member shall
37 continue to serve until his or her successor is appointed.

38 (f) Appointments to fill vacancies in the membership of the Board that occur due to
39 resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired
40 term and shall be made by the same appointing authority that made the initial appointment.

41 (g) Board members who are employees of the State shall receive travel allowances at
42 the rate set forth in G.S. 138-6. Board members who are legislators shall be reimbursed for
43 travel and subsistence in accordance with G.S. 120-3.1. All other Board members, except those
44 serving pursuant to subdivisions (3) through ~~(4)-(7)~~ of subsection (c) of this section, shall
45 receive per diem, subsistence, and travel expenses at the rate set forth in G.S. 138-5. These
46 expenses shall be paid by the Department of Commerce. Board members serving pursuant to
47 subdivisions (3) through ~~(4)-(7)~~ of subsection (c) of this section shall not receive per diem,
48 subsistence, or travel ~~expenses.~~expenses but shall be reimbursed at the discretion of the
49 appointing organization. ~~The expenses set forth in this section shall be paid by the Division of~~
50 ~~Tourism, Film, and Sports Development of the Department of Commerce.~~

1 (h) ~~At its first meeting in 1991, the~~ The Board shall elect one of its voting members to
2 serve as ~~Chairperson during calendar year 1991.~~ Chairperson. At its last regularly scheduled
3 meeting ~~in 1991, and at its last regularly scheduled meeting in each year thereafter,~~ year, the
4 Board shall elect one of its voting members to serve as Chairperson for the coming calendar
5 year. No person shall serve as Chairperson during more than three consecutive calendar years.
6 The Chairperson shall continue to serve until his or her successor is elected.

7 (i) A majority of the current voting membership shall constitute a quorum.

8 (j) The Secretary of Commerce shall provide clerical and other services as required by
9 the Board."

10 **SECTION 2.(b)** G.S. 143B-431.01(c) reads as rewritten:

11 "(c) Oversight. – There is established the Economic Development Accountability &
12 Standards Committee, which shall be treated as a board for purposes of Chapter 138A of the
13 General Statutes. The Committee shall consist of seven members as follows: the Secretary of
14 Commerce as Chair of the Committee, the Secretary of Transportation, the Secretary of
15 Environment and Natural Resources, the Secretary of Revenue, the chair of the North Carolina
16 Travel and Tourism Board, one member appointed by the General Assembly upon
17 recommendation of the Speaker of the House of Representatives, and one member appointed by
18 the General Assembly upon recommendation of the President Pro Tempore of the ~~Senate,~~ and
19 ~~one member appointed by the General Assembly upon the joint recommendation of the Speaker~~
20 ~~of the House of Representatives and the President Pro Tempore of the Senate.~~ Members
21 appointed by the General Assembly shall be appointed for four-year terms beginning July 1 and
22 may not be members of the General Assembly.

23 The Committee shall be administratively housed in the Department of Commerce. The
24 Department of Commerce shall provide for the administrative costs of the Committee and shall
25 provide staff to the Committee. The Committee shall meet at least quarterly upon the call of the
26 Chair. The duties of the Committee shall include all of the following:

- 27 (1) Monitoring and oversight of the performance of a contract entered into
28 pursuant to this section by the Department with a North Carolina nonprofit
29 corporation.
- 30 (2) Receiving, reviewing, and referring complaints regarding the contract or the
31 performance of the North Carolina nonprofit corporation, as appropriate.
- 32 (3) Requesting enforcement of the contract by the Attorney General or the
33 Department.
- 34 (4) Auditing, at least biennially, by the Office of State Budget and Management,
35 State Auditor, or internal auditors of the Department, the records of the
36 North Carolina nonprofit corporation with which the Department has
37 contracted pursuant to this section during and after the term of the contract
38 to review financial documents of the corporation, performance of the
39 corporation, and compliance of the corporation with applicable laws. A copy
40 of any audit performed at the request of the Committee shall be forwarded to
41 the North Carolina Travel and Tourism Board.
- 42 (5) Coordination of economic development grant programs of the State between
43 the Department of Commerce, the Department of Transportation, and the
44 Department of Environment and Natural Resources.
- 45 (6) Any other duties deemed necessary by the Committee."

46 **SECTION 2.(c)** Section 2(a) of this act is effective when it becomes law and
47 applies to appointments made on or after that date. Terms of appointees serving on the Board at
48 that time expire on the effective date, but members may continue to serve until new members
49 are appointed under this section.

50 51 **PART III. DYNAMIC PRICING FLEXIBILITY**

1 **SECTION 3.(a)** G.S. 150B-1(d) is amended by adding a new subdivision to read:

2 "(27) The Department of Environment and Natural Resources with respect to

3 admission fees or related activity fees at:

4 a. The North Carolina Zoological Park pursuant to G.S. 143B-335.

5 b. State parks pursuant to G.S. 113-35.

6 c. The North Carolina Aquariums pursuant to G.S. 143B-289.44."

7 **SECTION 3.(b)** The Department of Environment and Natural Resources, or any
8 other department given responsibilities for the North Carolina Zoological Park, State parks, or
9 the North Carolina Aquariums, shall establish admission fees and related activity fees using a
10 dynamic pricing strategy as defined in Section 3(e) of this act. Any rule currently in the
11 Administrative Code related to fees covered by Section 3(a) of this act are ineffective and
12 repealed upon the effective date of new admission fees and related activity fees adopted by the
13 Department under the authority set out in Section 3(a) of this act. Notice of the initial adoption
14 of new admission fees and related activity fees under Section 3(a) of this act shall be given by
15 the Department to the Codifier of Rules, who, upon receipt of notice of the initial adoption of
16 new admission fees and related activity fees by the Department, shall note the repeal of these
17 rules in the Administrative Code.

18 **SECTION 3.(c)** The Department of Cultural Resources shall establish admission
19 fees and related activity fees authorized by G.S. 121-7.3 for historic sites and museums using a
20 dynamic pricing strategy as defined in Section 3(e) of this act.

21 **SECTION 3.(d)** The Department of Agriculture and Consumer Services shall
22 establish admission fees and related activity fees authorized by G.S. 106-877 for State forests
23 using a dynamic pricing strategy as defined in Section 3(e) of this act.

24 **SECTION 3.(e)** For purposes of this section, "dynamic pricing" is the adjustment
25 of fees for admission and related activities from time to time to reflect market forces, including
26 seasonal variations and special event interests, with the intent and effect to maximize revenues
27 from use of these State resources to the extent practicable to offset appropriations from the
28 General Assembly.

29 **SECTION 3.(f)** No later than March 1, 2016, the Department of Environment and
30 Natural Resources, the Department of Cultural Resources, and the Department of Agriculture
31 and Consumer Services shall submit a report on implementation of the new pricing strategy to
32 the Environmental Review Commission.

33 **SECTION 3.(g)** This part is effective when it becomes law and applies to
34 admission fees or related activity fees charged on or after that date.

35 36 **PART IV. FOOD/VENDING SERVICES**

37 **SECTION 4.(a)** Article 4 of Chapter 111 of the General Statutes is amended by
38 adding a new section to read:

39 "§ 111-47.3. Food service at North Carolina parks.

40 (a) Notwithstanding Article 3 of Chapter 111 of the General Statutes, the Division of
41 Parks and Recreation of the Department of Environment and Natural Resources, or any other
42 department given responsibilities for State parks, may operate or contract for the operation of
43 food or vending services at State parks. The net revenue generated by food and vending
44 services provided at State parks operated by the Division or a vendor with whom the Division
45 has contracted shall be used for the operation of the parks.

46 (b) This section shall not be construed to alter any contract for food or vending services
47 at a State park that is in force at the time this section becomes law."

48 **SECTION 4.(b)** The Department of Environment and Natural Resources, Division
49 of Parks and Recreation, shall study the feasibility of operating kiosk-type gift shops at State
50 parks that offer park-related merchandise for purchase in unmanned vending machines. As part
51 of the study, the Division shall issue a Request for Proposal (RFP) from vendors who would

1 own, install, and maintain the vending machines in exchange for a portion of the revenue
2 derived from sales. If the Division enters into a contract under this section, twenty-five percent
3 (25%) of the net proceeds derived from vending machine sales shall be credited to the North
4 Carolina Trails Management Trust Fund.

6 **PART V. PROPERTY MANAGEMENT**

7 **SECTION 5.(a)** The General Assembly finds that a hiking and biking trail around
8 Lake James in Burke County would provide a multitude of economic, recreational, health,
9 environmental, community, and transportation benefits. The General Assembly further finds
10 that a number of federal, State, local, and private partners have expressed substantial interest in
11 completing such a trail; that such a trail would be a recreational resource of statewide
12 significance; and that including such a trail in the State Parks System as a State trail would be
13 beneficial to the people of North Carolina and further the development of North Carolina as
14 "The Great Trails State." The General Assembly authorizes the Department of Environment
15 and Natural Resources, or any other department given responsibilities for the State Parks
16 System, to add the Fonta Flora Loop Trail to the State Parks System as provided in
17 G.S. 113-44.14(b). The Department shall support, promote, encourage, and facilitate the
18 establishment of trail segments on State park lands and on lands of other federal, State, local,
19 and private landowners. On segments of the Fonta Flora Loop Trail that cross property
20 controlled by agencies or owners other than the Department's Division of Parks and Recreation,
21 the laws, rules, and policies of those agencies or owners shall govern the use of the property.

22 **SECTION 5.(b)** The Department of Administration is directed to identify all
23 State-owned property located within five miles of either side of the center line of the
24 Mountains-to-Sea Trail. The Department shall provide a written inventory of all properties
25 identified to the Environmental Review Commission no later than March 1, 2016.

26 **SECTION 5.(c)** The Department of Environment and Natural Resources, Division
27 of Parks and Recreation, in consultation with the North Carolina Trails Committee, or any other
28 department given responsibilities for the State trails system, is directed to identify in its
29 Mountains-to-Sea Trail master plan all municipal and regional trail systems and greenways that
30 connect with, or have the potential to connect with, the Mountains-to-Sea Trail. The plan shall
31 include potential time lines, funding needs, regulatory hurdles, and any other issues related to
32 interconnection of these systems. The Department, or other responsible agency, shall report its
33 findings, including any legislative proposals, to the Environmental Review Commission no
34 later than March 1, 2016.

35 **SECTION 5.(d)** The Department of Environment and Natural Resources, Division
36 of Parks and Recreation, or any other department given responsibilities for State parks, shall
37 study the feasibility of expanding the marinas at Jordan Lake and Falls Lake. The Department,
38 or other responsible agency, shall report its findings, including any legislative proposals, to the
39 Environmental Review Commission no later than March 1, 2016.

40 **SECTION 5.(e)** The Department of Environment and Natural Resources, or any
41 other department given responsibilities for the North Carolina Zoological Park, shall study the
42 feasibility of leasing property of the North Carolina Zoological Park to a private developer for
43 construction of a hotel/conference facility immediately adjacent to the African Savanna exhibit,
44 including the possibility of providing a direct entrance to the Zoo from the facility via a foot
45 bridge. The study shall include consideration of potential lease terms and any limitations
46 created by existing statutes or rules. The Department, or other responsible agency, shall report
47 its findings, including any legislative proposals, to the Environmental Review Commission no
48 later than March 1, 2016.

49 **SECTION 5.(f)** The Department of Environment and Natural Resources, or any
50 other department given responsibilities for the North Carolina Aquariums, shall study economic
51 development opportunities for the Oregon Inlet Lifesaving Station related to fishing, boating,

1 camping, hiking, general outdoor activities, lodging, special event rental, and other
2 tourism-related economic development. The study shall include consideration of potential lease
3 terms and any limitations created by existing statutes or rules. The Department, or other
4 responsible agency, shall report its findings, including any legislative proposals, to the
5 Environmental Review Commission no later than March 1, 2016.

6 **SECTION 5.(g)** The Wildlife Resources Commission shall update the
7 Mattamuskeet Lodge Business Management and Tourism Study prepared for the North
8 Carolina Wildlife Resources Commission and issued in September 2008 to reflect current
9 market factors and trends. In updating the study, the Commission shall focus on development
10 of public/private partnerships to facilitate opportunities related to hunting, fishing, boating,
11 camping, hiking, general outdoor activities, and other economic development. The study shall
12 include consideration of potential lease terms and any limitations created by existing statutes,
13 rules, or federal policies, and any other matter the Commission deems relevant. The
14 Commission shall report its findings, including any legislative proposals, to the Environmental
15 Review Commission no later than March 1, 2016.

16 17 **PART VI. PROMOTE TRAIL CREATION**

18 **SECTION 6.(a)** Article 6 of Chapter 113A of the General Statutes is amended by
19 adding a new section to read:

20 **"§ 113A-96. Trails exempt from certain environmental regulation.**

21 Except as required by federal law and notwithstanding any other provision of State law,
22 activities related to the construction, maintenance, or removal of a trail shall be exempt from
23 environmental regulation as provided in this section. A trail shall not be treated as "built-upon
24 area" under G.S. 143-214.7(b2). Activities related to the construction, maintenance, or removal
25 of a trail shall be allowed within riparian buffers and other types of vegetative buffers for the
26 protection of water quality."

27 **SECTION 6.(b)** G.S. 143-214.7(b2) reads as rewritten:

28 "(b2) For purposes of implementing stormwater programs, "built-upon area" means
29 impervious surface and partially impervious surface to the extent that the partially impervious
30 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
31 area" does not include a slatted ~~deck or~~deck, the water area of a swimming ~~pool.~~pool, or a trail
32 as defined in G.S. 113A-85."

33 **SECTION 6.(c)** This section is effective when it becomes law and applies to the
34 construction, maintenance, or removal of a trail occurring on or after that date.

35 36 **PART VII. AUTHORIZE EXCHANGE OF REAL PROPERTY IN AND AROUND** 37 **UMSTEAD STATE PARK AND LAKE CRABTREE**

38 **SECTION 7.(a)** Notwithstanding any provision of S.L. 1939-168, as amended by
39 S.L. 1941-292, as amended S.L. 1945-79, as amended by S.L. 1955-1096, as amended by S.L.
40 1957-455, as amended by S.L. 1959-755, as amended by S.L. 1967-781, as amended by S.L.
41 1971-287, as amended by S.L. 1973-221, as amended by S.L. 1977-28, as amended by S.L.
42 1979-666, as amended by S.L. 1981-1192, as amended by S.L. 1998-141, Chapter 146 of the
43 General Statutes, or any other provision of law, the Department of Administration on behalf of
44 the State shall enter into an agreement to convey the real property described in Section 7(c) of
45 this act from the Raleigh-Durham Airport Authority in exchange for conveyance of the
46 State-owned real property described in Section 7(d) of this act.

47 **SECTION 7.(b)** Fair market value shall be established for each property to be
48 conveyed as described in Sections 7(c) and 7(d) of this act. Accordingly, Raleigh-Durham
49 Airport Authority and the Department of Administration shall conduct independent appraisals
50 to establish each property's monetary value. In the event of discrepancies between such
51 appraisals, a third appraisal shall be conducted by an appraiser agreed upon by both entities,

1 and the average of the three values for each property in question shall be used to establish the
2 property's fair market value. If the monetary value of properties being conveyed to the
3 Raleigh-Durham Airport Authority by the State of North Carolina is greater than the value of
4 the properties being conveyed to the State from the Raleigh-Durham Airport Authority, the
5 Raleigh-Durham Airport Authority shall pay the difference in value to the State, for deposit to
6 the General Fund.

7 **SECTION 7.(c)** Real property owned by the Raleigh-Durham Airport Authority
8 subject to conveyance to the State pursuant to Section 7(a) of this act is as follows:

- 9 (1) An approximately 1.96 acre portion, more or less, of the easternmost portion
10 of the Raleigh-Durham International Airport identified in Wake County tax
11 records by Parcel Identification Number 0767324317 and Real Estate
12 Identification Number 0102676 that contains a portion of Old Reedy Creek
13 Road, described as "Polygon E" on a map dated April 14, 2015, and which
14 includes a description of the total approximate boundary defined by
15 longitudinal and latitudinal mapping coordinates established using the
16 NAD83(2011) State Plane Coordinate System and filed in the State Property
17 Office, reference to which is hereby made for a more complete description.
- 18 (2) An approximately 29.66 acre portion, more or less, of the southeastern
19 portion of the Raleigh-Durham International Airport identified in Wake
20 County tax records by Parcel Identification Number 0767324317 and Real
21 Estate Identification Number 0102676 located north of Interstate 40 and
22 west of Old Reedy Creek Road, described as "Polygon G" on a map dated
23 April 14, 2015, and which includes a description of the total approximate
24 boundary defined by longitudinal and latitudinal mapping coordinates
25 established using the NAD83(2011) State Plane Coordinate System and filed
26 in the State Property Office, reference to which is hereby made for a more
27 complete description.
- 28 (3) An approximately 11.21 acre portion, more or less, of the southeastern
29 portion of the Raleigh-Durham International Airport identified in Wake
30 County tax records by Parcel Identification Number 0767324317 and Real
31 Estate Identification Number 0102676 with a southern boundary of Interstate
32 40, an eastern boundary of Old Reedy Creek Road, and a northern boundary
33 defined by a privately owned 11.58 acre parcel, more or less, identified in
34 Wake County tax records by Parcel Identification Number 0766414911 and
35 Real Estate Identification Number 0020176, described as "Polygon H" on a
36 map dated April 14, 2015, and which includes a description of the total
37 approximate boundary defined by longitudinal and latitudinal mapping
38 coordinates established using the NAD83(2011) State Plane Coordinate
39 System and filed in the State Property Office, reference to which is hereby
40 made for a more complete description. The privately owned parcel
41 referenced herein is referenced for boundary identification purposes only
42 and is not subject to conveyance pursuant to Section 7(a) of this act.
- 43 (4) An approximately 332.01 acre portion, more or less, of the southernmost
44 portion of the Raleigh-Durham International Airport identified in Wake
45 County tax records by Parcel Identification Number 0767324317 and Real
46 Estate Identification Number 0102676 commonly referred to as Lake
47 Crabtree County Park with a northern boundary of Interstate 40, a western
48 boundary of Aviation Parkway, a southern boundary within Lake Crabtree,
49 and an eastern boundary of the Lake Crabtree dam, described as "Polygon I"
50 on a map dated April 14, 2015, and which includes a description of the total
51 approximate boundary defined by longitudinal and latitudinal mapping

1 coordinates established using the NAD83(2011) State Plane Coordinate
2 System and filed in the State Property Office, reference to which is hereby
3 made for a more complete description.

4 (5) An approximately 13.57 acre portion, more or less, of the southeastern
5 portion of the Raleigh-Durham International Airport identified in Wake
6 County tax records by Parcel Identification Number 0767324317 and Real
7 Estate Identification Number 0102676 with a southern boundary of Interstate
8 40, a western boundary of Old Reedy Creek Road, a northern boundary of
9 Umstead State Park, and a northeastern boundary defined by one privately
10 owned 1.2 acre parcel, more or less, identified in Wake County tax records
11 by Parcel Identification Number 0766517951 and Real Estate Identification
12 Number 0068197, and one privately owned 1.54 acre parcel, more or less,
13 identified in Wake County tax records by Parcel Identification Number
14 0766528101 and Real Estate Identification Number 0079738, described as
15 "Polygon J" on a map dated April 14, 2015, and which includes a description
16 of the total approximate boundary defined by longitudinal and latitudinal
17 mapping coordinates established using the NAD83(2011) State Plane
18 Coordinate System and filed in the State Property Office, reference to which
19 is hereby made for a more complete description. The privately owned
20 parcels referenced herein are referenced for boundary identification purposes
21 only and are not subject to conveyance pursuant to Section 7(a) of this act.

22 (6) An approximately 1.6 acre portion, more or less, of the southeasternmost
23 portion of the Raleigh-Durham International Airport identified in Wake
24 County tax records by Parcel Identification Number 0767324317 and Real
25 Estate Identification Number 0102676 with a northern boundary of Interstate
26 40, a southern boundary of Old Reedy Creek Road, a western boundary of
27 one 1.5 acre, more or less, municipally-owned parcel identified in Wake
28 County tax records by Parcel Identification Number 0766407480 and Real
29 Estate Identification Number 0250839, and an eastern boundary of one 74.29
30 acre, more or less, municipally owned parcel identified in Wake County tax
31 records by Parcel Identification Number 0765680977 and Real Estate
32 Identification Number 0049308, described as "Polygon K" on a map dated
33 April 14, 2015, and which includes a description of the total approximate
34 boundary defined by longitudinal and latitudinal mapping coordinates
35 established using the NAD83(2011) State Plane Coordinate System and filed
36 in the State Property Office, reference to which is hereby made for a more
37 complete description. The municipally owned parcels referenced herein are
38 referenced for boundary identification purposes only and are not subject to
39 conveyance pursuant to Section 7(a) of this act.

40 **SECTION 7.(d)** Real property owned by the State subject to conveyance to the
41 Raleigh-Durham Airport Authority pursuant to Section 7(a) of this act is as follows:

42 (1) An approximately 10.61 acre, more or less, parcel in its entirety identified in
43 Wake County tax records by Parcel Identification Number 0757254377 and
44 Real Estate Identification Number 0174188, described as "Polygon A" on a
45 map dated April 14, 2015, and which includes a description of the total
46 approximate boundary defined by longitudinal and latitudinal mapping
47 coordinates established using the NAD83(2011) State Plane Coordinate
48 System and filed in the State Property Office, reference to which is hereby
49 made for a more complete description.

50 (2) An approximately .22 acre, more or less, parcel in its entirety identified in
51 Wake County tax records by Parcel Identification Number 0757245747 and

- 1 Real Estate Identification Number 0174189, described as "Polygon B" on a
2 map dated April 14, 2015, and which includes a description of the total
3 approximate boundary defined by longitudinal and latitudinal mapping
4 coordinates established using the NAD83(2011) State Plane Coordinate
5 System and filed in the State Property Office, reference to which is hereby
6 made for a more complete description.
- 7 (3) An approximately 22.81 acre portion, more or less, of the northern portion of
8 William B. Umstead State Park identified in Wake County tax records by
9 Parcel Identification Number 0776275726 and Real Estate Identification
10 Number 0118364 located entirely on the northeastern side of Glenwood
11 Avenue, described as "Polygon C" on a map dated April 14, 2015, and
12 which includes a description of the total approximate boundary defined by
13 longitudinal and latitudinal mapping coordinates established using the
14 NAD83(2011) State Plane Coordinate System and filed in the State Property
15 Office, reference to which is hereby made for a more complete description.
- 16 (4) An approximately 5.28 acre portion, more or less, of the western portion of
17 William B. Umstead State Park identified in Wake County tax records by
18 Parcel Identification Number 0776275726 and Real Estate Identification
19 Number 0118364 located along the northern half of the western boundary of
20 the Park, described as "Polygon D" on a map dated April 14, 2015, and
21 which includes a description of the total approximate boundary defined by
22 longitudinal and latitudinal mapping coordinates established using the
23 NAD83(2011) State Plane Coordinate System and filed in the State Property
24 Office, reference to which is hereby made for a more complete description.
- 25 (5) An approximately 206.05 acre portion, more or less, of the westernmost
26 portion of William B. Umstead State Park identified in Wake County tax
27 records by Parcel Identification Number 0776275726 and Real Estate
28 Identification Number 0118364 located along the southern half of the
29 western boundary of the Park, described as "Polygon F" on a map dated
30 April 14, 2015, and which includes a description of the total approximate
31 boundary defined by longitudinal and latitudinal mapping coordinates
32 established using the NAD83(2011) State Plane Coordinate System and filed
33 in the State Property Office, reference to which is hereby made for a more
34 complete description.
- 35 (6) An approximately 4.76 acre portion, more or less, of the southeastern portion
36 of a 1074.81 acre parcel identified in Wake County tax records by Parcel
37 Identification Number 0785316741 and Real Estate Identification Number
38 0141508, and having a southern boundary of District Drive and a western
39 boundary of Gold Star Drive, described as "Polygon O" on a map dated
40 April 14, 2015, and which includes a description of the total approximate
41 boundary defined by longitudinal and latitudinal mapping coordinates
42 established using the NAD83(2011) State Plane Coordinate System and filed
43 in the State Property Office, reference to which is hereby made for a more
44 complete description.
- 45 (7) An approximately 10.01 acre portion, more or less, of the southeastern
46 portion of a 1074.81 acre parcel identified in Wake County tax records by
47 Parcel Identification Number 0785316741 and Real Estate Identification
48 Number 0141508, and having a southwestern boundary of Reedy Creek
49 Road and an eastern boundary of Blue Ridge Road and a northern boundary
50 of four individual privately owned parcels with frontage on Sunset Ridge
51 Road and one individual parcel with frontage on Atrium Drive, described as

1 "Polygon P" on a map dated April 14, 2015, and which includes a
2 description of the total approximate boundary defined by longitudinal and
3 latitudinal mapping coordinates established using the NAD83(2011) State
4 Plane Coordinate System and filed in the State Property Office, reference to
5 which is hereby made for a more complete description. The privately owned
6 parcels referenced herein are referenced for boundary identification purposes
7 only and are not subject to conveyance pursuant to Section 7(a) of this act.

- 8 (8) An approximately 2.91 acre, more or less, parcel in its entirety identified in
9 Wake County tax records by Parcel Identification Number 0785605905 and
10 Real Estate Identification Number 0121260 with eastern frontage on Atrium
11 Drive and bordered to the south and west by a parcel identified in Wake
12 County tax records by Parcel Identification Number 0785316741 and Real
13 Estate Tax Identification Number 0141508, described as "Polygon Q" on a
14 map dated April 14, 2015, and which includes a description of the total
15 approximate boundary defined by longitudinal and latitudinal mapping
16 coordinates established using the NAD83(2011) State Plane Coordinate
17 System and filed in the State Property Office, reference to which is hereby
18 made for a more complete description.

- 19 (9) An approximately 66.62 acre portion, more or less, of the southeastern
20 portion of a 1074.81 acre parcel identified in Wake County tax records by
21 Parcel Identification Number 0785316741 and Real Estate Identification
22 Number 0141508, and having an eastern boundary of Blue Ridge Road and a
23 southernmost boundary of Interstate 40 and part of a northern boundary that
24 includes District Drive and part of a northern boundary that includes Reedy
25 Creek Road, described as "Polygon R" on a map dated April 14, 2015, and
26 which includes a description of the total approximate boundary defined by
27 longitudinal and latitudinal mapping coordinates established using the
28 NAD83(2011) State Plane Coordinate System and filed in the State Property
29 Office, reference to which is hereby made for a more complete description.

30 **SECTION 7.(e)** G.S. 143-260.10 reads as rewritten:

31 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

32 The following are components of the State Nature and Historic Preserve accepted by the
33 North Carolina General Assembly pursuant to G.S. 143-260.8:

- 34 ...
- 35 (2) All lands and waters within the boundaries of William B. Umstead State
36 Park as of May 6, 2014, with the exception ~~of~~ of:
- 37 a. Tract Number 65, containing 22.93140 acres as shown on a survey
38 prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS),
39 entitled "Property of The State of North Carolina William B.
40 Umstead State Park", dated January 14, 1977 and filed in the State
41 Property Office, which was removed from the State Nature and
42 Historic Preserve by Chapter 450, Section 1 of the 1985 Session
43 Laws. The tract excluded from the State Nature and Historic Preserve
44 under this subdivision is deleted from the State Parks System in
45 accordance with G.S. 113-44.14. The State of North Carolina may
46 only exchange this land for other land for the expansion of William
47 B. Umstead State Park or sell and use the proceeds for that purpose.
48 The State of North Carolina may not otherwise sell or exchange this
49 land.
- 50 b. An approximately 22.81 acre portion, more or less, of the northern
51 portion of William B. Umstead State Park identified in Wake County

1 tax records by Parcel Identification Number 0776275726 and Real
2 Estate Identification Number 0118364 located entirely on the
3 northeastern side of Glenwood Avenue, described as "Polygon C" on
4 a map dated April 14, 2015, and which includes a description of the
5 total approximate boundary defined by longitudinal and latitudinal
6 mapping coordinates established using the NAD83(2011) State Plane
7 Coordinate System and filed in the State Property Office, reference
8 to which is hereby made for a more complete description.

9 c. An approximately 5.28 acre portion, more or less, of the western
10 portion of William B. Umstead State Park identified in Wake County
11 tax records by Parcel Identification Number 0776275726 and Real
12 Estate Identification Number 0118364 located along the northern half
13 of the western boundary of the Park, described as "Polygon D" on a
14 map dated April 14, 2015, and which includes a description of the
15 total approximate boundary defined by longitudinal and latitudinal
16 mapping coordinates established using the NAD83(2011) State Plane
17 Coordinate System and filed in the State Property Office, reference
18 to which is hereby made for a more complete description.

19 d. An approximately 206.05 acre portion, more or less, of the
20 westernmost portion of William B. Umstead State Park identified in
21 Wake County tax records by Parcel Identification Number
22 0776275726 and Real Estate Identification Number 0118364 located
23 along the southern half of the western boundary of the Park,
24 described as "Polygon F" on a map dated April 14, 2015, and which
25 includes a description of the total approximate boundary defined by
26 longitudinal and latitudinal mapping coordinates established using
27 the NAD83(2011) State Plane Coordinate System and filed in the
28 State Property Office, reference to which is hereby made for a more
29 complete description.

30"

31 **SECTION 7.(f)** If the real property described in Section 7(c) of this act is acquired
32 by the State, the property shall be incorporated into Umstead State Park and dedicated to the
33 State Nature and Historic Preserve pursuant to Section 5 of Article XIV of the North Carolina
34 Constitution and in conformance with the requirements of G.S. 143-260.8. The Division of
35 Parks and Recreation of the Department of Environment and Natural Resources, or any other
36 department given responsibilities for State parks, shall dedicate between 500 and 600 acres in
37 the southwestern corner of Umstead Park to single-track bike trails and work with regional and
38 local bicycle stakeholders in modifying the master plan for the Park to include a single-track
39 bicycle course within the Park's boundaries.

40 **SECTION 7.(g)** The State of North Carolina shall convey the following property to
41 North Carolina State University for inclusion into Schenck Forest: an approximately 40.82 acre
42 portion, more or less, of Department of Transportation right-of-way previously acquired for the
43 Duraleigh Connector along the northern side of the Interstate 40 and Wade Avenue interchange
44 that is not an identified parcel in Wake County tax records with a Parcel Identification Number
45 or Real Estate Identification Number, described as "Polygon M" on a map dated April 14,
46 2015, and which includes a description of the total approximate boundary defined by
47 longitudinal and latitudinal mapping coordinates established using the NAD83(2011) State
48 Plane Coordinate System and filed in the State Property Office, reference to which is hereby
49 made for a more complete description.

50 **SECTION 7.(h)** If the City of Raleigh is authorized by the Department of
51 Transportation to construct a roadway extension connecting District Drive to Edwards Mill

1 Road, the Department of Administration shall provide an easement through the parcel
2 identified in Wake County tax records with Parcel Identification Number of 0785316741 and a
3 Real Estate Identification Number of 0141508 upon the request of the City. Such roadway
4 extension shall be constructed by the City of Raleigh at its own expense.

5 **SECTION 7.(i)** The properties to be conveyed by the State of North Carolina to the
6 Raleigh-Durham Airport Authority described in Section 7(d) of this act are: (i) exempt from the
7 divestiture restrictions set forth in S.L. 1967-781, and may be divested upon approval from a
8 simple majority vote of the Raleigh-Durham Airport Authority Board; and (ii) exempt from the
9 lease restrictions set forth in S.L. 1959-755, and may be leased for a period not to exceed sixty
10 (60) years upon approval from a simple majority vote of the Raleigh-Durham Airport
11 Authority, except as provided in subsection (f) of this Section.

12 **SECTION 7.(j)** The properties to be conveyed by the State of North Carolina to
13 the Raleigh-Durham Airport Authority described in Section 7(d) of this act shall be subject to
14 the following conditions:

- 15 (1) For the property identified in subdivision (7) of Section 7(d) of this act, the
16 Raleigh-Durham Airport Authority shall grant a lease for a time to be
17 determined in consultation with the Department of Administration, but
18 expiring no later than December 31, 2020, in order to allow sufficient time
19 for the Department of Agriculture to construct a new laboratory facility and
20 vacate the existing building on this property.
- 21 (3) For the property identified in subdivision (8) of Section 7(d) of this act, the
22 Raleigh-Durham Airport Authority shall grant a lease for a time to be
23 determined in consultation with the Department of Administration, but
24 expiring no later than December 31, 2020, in order to allow sufficient time
25 for the Department of Agriculture to construct a new laboratory facility and
26 vacate the existing building on this property.
- 27 (4) For the property identified in subdivision (9) of Section 7(d) of this act, the
28 Raleigh-Durham Airport Authority shall grant a lease for a time to be
29 determined in consultation with the Department of Administration, but
30 expiring no later than December 31, 2016, in order to allow sufficient time
31 for the Wildlife Resources Commission to vacate the warehouse facility on
32 this property.
- 33 (5) For the property identified in subdivision (10) of Section 7(d) of this act, the
34 Raleigh-Durham Airport Authority shall grant a lease for a time to be
35 determined in consultation with the Department of Administration, but
36 expiring no later than December 31, 2018, in order to allow sufficient time
37 for relocation of the existing facilities.

38 **SECTION 7.(k)** The Secretary of the Department of Administration shall have the
39 authority to negotiate the terms of exchange agreement necessary to effectuate the provisions of
40 this act. The agreement shall do all of the following:

- 41 (1) Provide for the exchange of interests in real property described in Section
42 7(c) and Section 7(d) of this act and no other, except that if any individual
43 property identified by Section 7(c) and Section 7(d) of this act cannot be
44 conveyed due to federal restrictions applicable to the property, that property
45 shall be omitted from the exchange and all other properties identified by
46 Section 7(c) and Section 7(d) of this act shall remain subject to the
47 agreement.
- 48 (2) Provide that the conveyances described in the agreement become effective as
49 soon as practicable.
- 50 (3) Incorporate the relevant terms of this section.

1 **SECTION 7.(l)** The Secretary of the Department of Administration shall ensure
2 that the map referenced herein, dated April 14, 2015, which includes a description of the total
3 approximate boundary defined by longitudinal and latitudinal mapping coordinates established
4 using the NAD83(2011) State Plane Coordinate System for each property identified in Section
5 7(c) and Section 7(d) of this act is filed in the State Property Office.

6 **SECTION 7.(m)** Within 30 days after an agreement is entered into pursuant to this
7 act, the Secretary of the Department of Administration shall report to the Joint Legislative
8 Commission on Governmental Operations on the terms of the agreement.

9 **SECTION 7.(n)** Notwithstanding the provisions of Chapter 146 of the General
10 Statutes, Article 9A of Chapter 113A of the General Statutes, or any other provision of law,
11 neither the Governor nor the Council of State shall be required to approve any conveyance or
12 exchange made pursuant to this act, nor shall consultation with or reporting to the Joint
13 Legislation Commission on Governmental Operations be required prior to the conveyance or
14 exchange.

15 **SECTION 7.(o)** Within 30 days after an agreement is entered into pursuant to this
16 act, the Attorney General shall execute any documents or deeds necessary to effectuate the
17 conveyances under the exact terms set forth in the exchange agreement. All State agencies and
18 officials shall cooperate to the fullest extent possible in effectuating the exchange agreement.

19 **SECTION 7.(p)** The requirements of this section shall only become effective upon
20 a simple majority vote of the Raleigh-Durham Airport Authority to proceed with the exchange
21 of property identified herein, except that Section 7(k) of this section shall become effective
22 when this act becomes law.

23 24 **PART VIII. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

25 **SECTION 8.(a)** If any provision of this act or its application is held invalid, the
26 invalidity does not affect other provisions or applications of this act that can be given effect
27 without the invalid provisions or application and to this end the provisions of this act are
28 severable.

29 **SECTION 8.(b)** This act is effective as provided herein. The remainder of this act
30 is effective when it becomes law.