

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**SESSION LAW 2023-70  
HOUSE BILL 168**

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, AS RECOMMENDED BY THE DEPARTMENT.

The General Assembly of North Carolina enacts:

**CONFORMING CHANGE TO INCREASE THE SIZE OF THE NORTH CAROLINA MUSEUM OF ART BOARD OF TRUSTEES**

**SECTION 1.** G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~25~~26 members, chosen as follows:

- (1) The Governor shall appoint ~~13~~14 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);
- (2) Repealed by Session Laws 2012-120, s. 1(e), effective October 1, 2012.
- (3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;
- (4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;
- (5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;
- (6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until the member's successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All appointments by the General Assembly shall be for terms of four years, with no person being appointed to more than three consecutive terms."

**CLARIFY SURPLUS PROPERTY PROCESS FOR MUSEUMS AND AQUARIUMS**

**SECTION 2.(a)** G.S. 121-4 reads as rewritten:

**"§ 121-4. Powers and duties of the Department of Natural and Cultural Resources.**

The Department of Natural and Cultural Resources shall have the following powers and duties:

- ...
- (12) With the approval of the Historical ~~Commission~~, Commission, and notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, to dispose of any accessioned records, artifacts, and ~~furnishings~~ furnishings, and agricultural products in the custody of the Department that are determined to have no further use or value for official or administrative purposes or for research and reference purposes.



...."

**SECTION 2.(b)** G.S. 121-7 reads as rewritten:

**"§ 121-7. Historical museums.**

(a) The Department of Natural and Cultural Resources shall maintain and administer State historic sites and museums under the management of the Office of Archives and History for the collection, preservation, study, and exhibition of authentic artifacts and other historical materials relating to the history and heritage of North Carolina. The Department, with the approval of the Historical Commission, may acquire, either by purchase, gift, or loan such artifacts and materials, and, having acquired them, shall according to accepted museum practices classify, accession, preserve, and where feasible exhibit such materials and make them available for study. Within available funds, one or more branch museums of history or specialized regional history museums may be established and administered by the Department. The Department of Natural and Cultural Resources, subject to the availability of staff and funds, may give financial, technical, and professional assistance to nonstate historical museums sponsored by governmental agencies and nonprofit organizations according to regulations adopted by the North Carolina Historical Commission.

~~The Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Department of Natural and Cultural Resources may, with the explicit approval of the North Carolina Historical Commission sell, lease, donate, trade, or place on loan any artifact owned by the State of North Carolina and in the custody of and curated by the Office of Archives and History, unless the sale, lease, donation, trade, or loan would be contrary to the terms of acquisition. The net proceeds of any sale, sale or lease, after deduction of the expenses attributable to that sale, sale or lease, shall be deposited in the Office of Archives and History Artifact Fund to the credit of the museum or archives that had custody of the artifact sold or leased and shall be used only for the expenses associated with the purchase, maintenance, or conservation of other artifacts. No artifact curated by any agency of the Department of Natural and Cultural Resources may be pledged or mortgaged.~~

...."

**SECTION 2.(c)** G.S. 121-7.1 reads as rewritten:

**"§ 121-7.1. Maritime Museum; disposition of artifacts.**

Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Department of Natural and Cultural Resources, with the approval of the North Carolina Historical Commission, may sell, lease, donate, trade, or place on permanent loan any artifact from the collection of the North Carolina Maritime Museum unless the sale, lease, donation, trade, or loan would be contrary to the terms of the acquisition. Sales or exchanges shall be conducted in accordance with generally accepted practices for accredited museums. If an artifact is sold, sold or leased, the net proceeds of the sale or lease shall be deposited in the State treasury to the credit of a special fund to be used for the improvement of the Museum's collections or exhibits."

**SECTION 2.(d)** G.S. 121-20 reads as rewritten:

**"§ 121-20. Commission to receive and expend funds donated or made available for restoration of Tryon's Palace; Commission to acquire and sell artifacts for Tryon's Palace.**

...

(b) The Tryon Palace Commission may solicit, accept, and hold artifacts and furnishings, and may acquire them by purchase or gift for the interpretive needs and development of Tryon Palace Historic Sites and Gardens. ~~The Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Commission may dispose of by trade, sale, lease, donation, or transfer, in accordance with accepted museum practices, any accessioned or unaccessioned artifacts and furnishings in the custody of the Commission, or its appointed officers, that are determined to have no further value for official or~~

administrative purposes or for research, reference, or interpretation. Any proceeds realized through the deaccession and sale or lease of artifacts and furnishings shall be placed in a collections fund administered by the Tryon Palace Commission. Monies received by the Commission, after deduction of the expenses attributable to that ~~sale~~, sale or lease, shall be used for ~~the acquisition expenses associated with the purchase, maintenance, or conservation of~~ artifacts and furnishings necessary or desirable for research, reference, and interpretation at Tryon Palace Historic Sites and Gardens.

(c) Funds (i) received by the Commission from donations, devises, or grants of cash or securities or (ii) generated from the sale or lease of deaccessed or unaccessed artifacts and furnishings in accordance with subsection (b) of this section are hereby appropriated for the purposes set forth in this section or in the terms of the donation, devise, or grant and shall require no further act of the General Assembly in order to be expended by the Commission. These expenditures must follow the applicable procedures and requirements set forth in this section.

...."

**SECTION 2.(e)** G.S. 140-5.14 reads as rewritten:

**"§ 140-5.14. Board of Trustees – powers and duties.**

The Board of Trustees is the governing body of the North Carolina Museum of Art and has the following powers and duties:

...

- (8) After consultation with the Secretary of Natural and Cultural ~~Resources~~, Resources and notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, to exchange works of art owned by the North Carolina Museum of Art for other works of art which, in the opinion of the Board, would improve the quality, value, or representative character of the art collection of the Museum;
- (9) After consultation with the Secretary of Natural and Cultural ~~Resources~~, Resources and notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, to ~~sell~~ sell, lease, or donate any work of art owned by the North Carolina Museum of Art if the Board finds that it is in the best interest of the Museum to do so, unless such ~~sale~~ sale, lease, or donation would be contrary to the terms of acquisition. The net proceeds of each such ~~sale~~, sale or lease, after deduction of the expenses attributable to that ~~sale~~, sale or lease, shall be deposited in the State treasury to the credit of "The North Carolina Museum of Art Special Fund," and shall be used only for the purchase of other works of art. No work of art owned by the North Carolina Museum of Art may be pledged or mortgaged;

...."

**SECTION 2.(f)** G.S. 143B-79 reads as rewritten:

**"§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.**

There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

...

- (7) ~~The~~ Notwithstanding Article 3 of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Committee may dispose of property held in the Executive Mansion after consultation with a review committee comprised of one person from the Executive Mansion Fine Arts Committee, appointed by its chairman; one person from the Department of Administration appointed by the Secretary of Administration; and two qualified professionals from the Department of Natural and Cultural Resources, Division of Archives and History, appointed

by the Secretary of Natural and Cultural Resources. Upon request of the Executive Mansion Fine Arts Committee, the review committee shall view proposed items for disposition and shall make a recommendation to the North Carolina Historical Commission who shall make a final decision. The Historical Commission shall consider whether the disposition is in the best interest of the State of North Carolina. If any property is ~~sold, sold or leased~~, the net proceeds of each sale or lease and any interest earned thereon shall be deposited in the State Treasury to the credit of the Executive Mansion, Special Fund, and shall be used only for the purchase, conservation, restoration, or repair of other property for use in the Executive Mansion."

**SECTION 2.(g)** G.S. 143B-135.182 reads as rewritten:

**"§ 143B-135.182. Division of North Carolina Aquariums – organization; powers and duties.**

(a) The Division of North Carolina Aquariums shall be organized as prescribed by the Secretary of Natural and Cultural Resources and shall exercise the following powers and duties:

- ...
- (3) Notwithstanding Article 3A of Chapter 143 of the General Statutes, ~~and~~ G.S. 143-49(4), or any other law pertaining to surplus State property, dispose of any exhibit, exhibit component, or object from the collections of the North Carolina Aquariums by sale, lease, donation, or trade. A sale, lease, donation, or trade under this subdivision shall be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums. After deducting the expenses attributable to the sale or lease, the net proceeds of any sale or lease shall be credited to the North Carolina Aquariums Fund.

...."

**SECTION 2.(h)** G.S. 143B-135.223 reads as rewritten:

**"§ 143B-135.223. Museum of Natural Sciences; disposition of objects.**

Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Department of Natural and Cultural Resources may ~~sell or exchange~~ sell, lease, donate, or trade any object from the collection of the Museum of Natural Sciences when it would be in the best interest of the Museum to do so. ~~Sales or exchanges~~ Any sale, lease, donation, or trade under this section shall be conducted in accordance with generally accepted practices for accredited museums. If an object is ~~sold, sold or leased~~, the net proceeds of the sale or lease shall be deposited in the State treasury to the credit of a special fund to be used for the improvement of the Museum's collections or exhibits."

## **TIME LIMITATION ON CONFIDENTIALITY OF CERTAIN PUBLIC RECORDS**

**SECTION 3.** G.S. 132-11 reads as rewritten:

**"§ 132-11. Time limitation on confidentiality of records.**

(a) Notwithstanding any other provision of law, all restrictions on access to public records shall expire 100 years after the creation of the record.

(b) Subsection (a) of this section shall apply to any public record in existence at the time of, or created after, August 18, 2015.

(c) No provision of this section shall be construed to authorize or require the opening of any record that meets any of the following criteria:

- (1) Is ordered to be sealed by any state or federal court, except as provided by that court.
- (2) Is prohibited from being disclosed under federal law, rule, or regulation.
- (3) Contains federal Social Security numbers.

- (4) ~~Is a juvenile, probationer, parolee, post releasee, or prison inmate record, including medical and mental health records.~~ confidential juvenile record pursuant to Article 30 of Chapter 7B of the General Statutes.
- (5) Contains detailed plans and drawings of public buildings and infrastructure facilities.

(d) For purposes of this section, the custodian of the record shall be the Department of Natural and Cultural Resources or other agency in actual possession of the record."

## STATE PARKS REPORT CONSOLIDATION

**SECTION 4.(a)** Subdivision (3) of Section 2 of S.L. 2012-93 is repealed.

**SECTION 4.(b)** G.S. 143B-135.48(a) reads as rewritten:

"(a) The Secretary shall prepare and adopt a State Parks System Plan by December 31, 1988. The Plan, at a minimum, ~~shall~~ shall do all of the following:

- (1) Outline a method whereby the mission and purposes of the State Parks System as defined in G.S. 143B-135.42 can be achieved in a reasonable, timely, and cost-effective ~~manner;~~ manner.
- (2) Evaluate existing parks against these standards to determine their statewide ~~significance;~~ significance.
- (3) Identify duplications and deficiencies in the current State Parks System and make recommendations for ~~correction;~~ correction.
- (4) Describe the resources of the existing State Parks System and their current uses, identify conflicts created by those uses, and propose solutions to ~~them;~~ and them.
- (5) Describe anticipated trends in usage of the State Parks System, detail what impacts these trends may have on the State Parks System, and recommend means and methods to accommodate those trends successfully.
- (6) Validate the number of visitors per car used in the calculation of visitor counts at units of the State Parks System."

## CONFORMING CHANGE TO NATURE PRESERVES ACT

**SECTION 5.** G.S. 143B-135.272(a)(2) reads as rewritten:

- "(2) ~~Any activity authorized under G.S. 143B-135.234(10), including an inventory~~ Inventories of natural areas conducted under the Natural Heritage Program, conservation and protection planning, and informational programs for owners of natural areas, as defined in G.S. 143B-135.254."

## UMSTEAD ACT EXEMPTION FOR LODGING FACILITIES AT STATE PARKS

**SECTION 6.** G.S. 66-58(b)(9b) reads as rewritten:

- "(9b) The Department of Natural and Cultural Resources for the sale of food pursuant to G.S. 111-47.2 and the sale of books, crafts, gifts, and other tourism-related items and revenues from public and private special events, activities, and programming at State parks, State aquariums, historic sites and museums administered by the Department, provided that the resulting profits are used to support the operation of those sites. This exemption does not allow the Department to construct, maintain, operate, or lease a hotel or tourist inn in any site or facility over which it has jurisdiction, except ~~that the North Carolina Zoological Park may lease a portion of the Park on which a private entity may construct and operate a hotel and related facilities.~~ for existing lodging facilities located at Haw River State Park, Hanging Rock State Park, and Pisgah View State Park and for a hotel and related facilities constructed and operated by a private entity on land leased from the North Carolina

Zoological Park. Nothing in this subdivision is intended to exempt the Park from any other applicable laws pertaining to contracting or to leasing of State property. For purposes of this subdivision, a "hotel or tourist inn" does not include rentals of rustic cabins and recreational vehicle or tent sites in State parks."

## **CLARIFY ZOOLOGICAL PARK STATUTES**

**SECTION 7.(a)** G.S. 143B-135.204(b) reads as rewritten:

"(b) Park Property. – The Secretary of the Department of Natural and Cultural Resources may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale, lease, donation, or trade under this subsection must be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums."

**SECTION 7.(b)** G.S. 143B-135.205 reads as rewritten:

**"§ 143B-135.205. North Carolina Zoological Park Council – creation; powers and duties.**

There is hereby created the North Carolina Zoological Park Council of the Department of Natural and Cultural Resources. The North Carolina Zoological Park Council shall have the following functions and duties:

- (1) To advise the Secretary on the basic concepts of and for the Zoological Park, ~~approve~~ including conceptual plans for the Zoological Park and its buildings.
- (2) To advise on the construction, furnishings, equipment and operations of the North Carolina Zoological Park.
- (3) To ~~establish and set~~ recommend admission fees ~~with for~~ the approval of the Secretary of Natural and Cultural Resources as provided in G.S. 143B-135.213.
- (4) To recommend programs to promote public appreciation of the North Carolina Zoological Park.
- (5) To disseminate information on animals and the park as deemed necessary.
- (6) To develop effective public support of the North Carolina Zoological Park through whatever means are desirable and necessary.
- (7) To solicit financial and material support from various private sources within and without the State of North Carolina.
- (8) To advise the Secretary of Natural and Cultural Resources upon any matter the Secretary may refer to it."

**SECTION 7.(c)** G.S. 143B-135.209(c) reads as rewritten:

"(c) Approval. – The Secretary may approve the use of the North Carolina Zoo Fund for repair and renovation projects at the North Carolina Zoological Park ~~recommended by the Council~~ that comply with the following:

- (1) The total project cost is less than five hundred thousand dollars (\$500,000).
- (2) The project ~~meets the requirements of~~ meets the criteria to be classified as a repair or renovation under G.S. 143C-8-13(a).
- (3) The project is paid for from funds appropriated to the Fund.
- (4) The project does not obligate the State to provide increased recurring funding for operations."

**SECTION 7.(d)** G.S. 143B-135.210 reads as rewritten:

**"§ 143B-135.210. Right to receive gifts.**

In order to carry out the purposes of this Part, the Council ~~is and~~ the Secretary of Natural and Cultural Resources are authorized to acquire by gift or will, absolutely or in trust, from individuals, corporations, or any other source money or other property, or any interests in property, which may be retained, sold or otherwise used to promote the purposes of this Part. The

use of gifts shall be subject to such limitations as may be imposed thereon by donors, notwithstanding any other provisions of this Part."

**SECTION 7.(e)** G.S. 143B-135.213 reads as rewritten:

**"§ 143B-135.213. Sources of funds.**

(a) It is the intent of this Part that the funds for the creation, establishment, construction, operation and maintenance of the North Carolina Zoological Park shall be obtained primarily from private sources; however, the ~~Council under the supervision and approval and with the assistance of the~~ Secretary of Natural and Cultural Resources is hereby authorized to receive and expend such funds as may from time to time become available by appropriation or otherwise from the State of North Carolina; provided, that the ~~Council~~ Secretary shall not in any manner pledge the faith and credit of the State of North Carolina for any of its purposes.

(b) The ~~Council with the approval of the~~ Secretary of Natural and Cultural Resources is authorized to establish and set admission fees which are reasonable and consistent with the purpose and function of the North Carolina Zoological ~~Park~~ Park, as recommended by the Council.

(c) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the ~~Council~~ Secretary of Natural and Cultural Resources may dispose of any exhibit, exhibit component, or object from the collections of the North Carolina Zoological Park by sale, lease, donation, or trade. A sale, lease, donation, or trade under this subsection shall be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums. After deducting the expenses attributable to the sale or lease, the net proceeds of any sale or lease shall be credited to the North Carolina Zoo Fund."

**SECTION 7.(f)** G.S. 143B-135.214 reads as rewritten:

**"§ 143B-135.214. Powers of ~~Council and Department~~ regarding certain fee negotiations, contracts, and capital improvements.**

(a) The exception for the North Carolina Zoological Park set forth in G.S. 143-341(3) shall apply only to projects requiring the estimated expenditure of public money of two million dollars (\$2,000,000) or less. The ~~Council and the~~ Department of Natural and Cultural Resources shall, with respect to the design, construction, or renovation of buildings, utilities, and other property developments of the North Carolina Zoological Park that fall below that threshold:

- (1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.
- (2) Develop procedures governing the responsibilities of the ~~Council and the~~ Department to perform the duties of the Department of Administration under G.S. 133-1.1(d) and G.S. 143-341(3).
- (3) Use existing plans and specifications for construction projects, where feasible. Prior to designing a project, the ~~Council and the~~ Department shall consult with the Department of Administration on the availability of existing plans and specifications and the feasibility of using them for a project.

(b) The ~~Council and~~ Department shall use the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.

...

(g) Unless clearly indicated otherwise, nothing in this section is intended to relieve the Department ~~or the Council~~ from the obligations imposed by Article 3 of Chapter 143 of the General Statutes."

**NC LAND AND WATER FUND CLARIFICATION OF CONSTRUCTION CONTRACT REQUIREMENT**

**SECTION 8.** G.S. 143B-135.238(e) reads as rewritten:

"(e) Withdrawal. – An award of a grant under this Part which will require a construction contract is withdrawn if the grant recipient fails to enter into a construction contract for the project within one year after the date of ~~the award, execution of the grant contract,~~ unless the Trustees find that the applicant has good cause for the failure. If the Trustees find good cause for a recipient's failure, the Trustees must set a date by which the recipient must take action or forfeit the grant."

## **CONFORMING CHANGES FOR RENAMING OF CLEAN WATER MANAGEMENT TRUST FUND AS NORTH CAROLINA LAND AND WATER FUND**

**SECTION 9.(a)** G.S. 20-79.7(b) reads as rewritten:

"(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a1) of this section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the ~~Clean Water Management Trust Fund (CWMTF),~~ North Carolina Land and Water Fund (NCLWF) which is established under G.S. 143B-135.234, and the Parks and Recreation Trust Fund, which is established under G.S. 143B-135.56, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<del>CWMTF</del> <u>NCLWF</u>	<u>PRTF</u>
...."				

**SECTION 9.(b)** G.S. 143-214.14(c) reads as rewritten:

"(c) Legislative Goals and Policies. – It is the goal of the General Assembly that, to the extent practicable, the State shall adopt water quality protection plans that are developed and implemented in cooperation and coordination with local governments and that the State shall adopt water quality protection requirements that are proportional to the relative contributions of pollution from all sources in terms of both the loading and proximity of those sources. Furthermore, it is the goal of the General Assembly to encourage and support State-local partnerships for improved water quality protection through the provision of technical and financial assistance available through the ~~Clean Water Management Trust Fund,~~ North Carolina Land and Water Fund, the Division of Mitigation Services, the Ecosystem Restoration Fund, water quality planning and project grant programs, the State's revolving loan and grant programs for water and wastewater facilities, other funding sources, and future appropriations. The Commission shall implement these goals in accordance with the standards, procedures, and requirements set out in this section."

**SECTION 9.(c)** G.S. 143-215.71(b) reads as rewritten:

"(b) Notwithstanding subdivision (8) of subsection (a) of this section, projects that are part of the Environmental Quality Incentives Program are ineligible for funding under this Part if they receive funding from the ~~Clean Water Management Trust Fund~~ North Carolina Land and Water Fund established in G.S. 143B-135.234."

**SECTION 9.(d)** G.S. 143B-53(b) reads as rewritten:

"(b) The Department of Natural and Cultural Resources shall include the currently existing entities listed in subsection (a) of this section and the following additional entities:

...  
(6) The ~~Clean Water Management Trust Fund~~ North Carolina Land and Water Fund.

...."

**SECTION 9.(e)** Part 41 of Article 2 of Chapter 143B of the General Statutes reads as rewritten:

"Part 41. ~~Clean Water Management Trust Fund~~ North Carolina Land and Water Fund.

...

### **"§ 143B-135.232. Definitions.**

The following definitions apply in this Part:



- (1) Repealed by Session Laws 2019-32, s. 1(a), effective July 1, 2019.
- (2) Fund. – The ~~Clean Water Management Trust North Carolina Land and Water~~ Fund created pursuant to this Part.
- (3) Land. – Real property and any interest in, easement in, or restriction on real property.
- (4) Local government unit. – Defined in G.S. 159G-20.
- (5) Trustees. – The trustees of the ~~Clean Water Management Trust North Carolina Land and Water~~ Fund.

**"§ 143B-135.234. ~~Clean Water Management Trust North Carolina Land and Water~~ Fund.**

(a) Fund Established. – The ~~Clean Water Management Trust North Carolina Land and Water~~ Fund is established as a special revenue fund to be administered by the Department of Natural and Cultural Resources. The ~~Clean Water Management Trust North Carolina Land and Water~~ Fund shall also be known as the "~~Land and Water Fund.~~" by its original name, the Clean Water Management Trust Fund. The Fund receives revenue from the following sources and may receive revenue from other sources:

- (1) Annual appropriations.
- (2) Special registration plates under G.S. 20-81.12.
- (3) Other special registration plates under G.S. 20-79.7.
- (4) Hazard mitigation funds from the Federal Emergency Management Agency and other agencies.

...

**"§ 143B-135.236. North Carolina Conservation Easement Endowment Fund.**

(a) The North Carolina Conservation Easement Endowment Fund is established as a special fund in the Office of the State Treasurer. The principal of the Endowment Fund shall consist of a portion of grant funds transferred by the Trustees to the Endowment Fund from the ~~Clean Water Management Trust North Carolina Land and Water~~ Fund for stewardship activities related to projects for conservation easements funded from the ~~Clean Water Management Trust North Carolina Land and Water~~ Fund. The principal of the Endowment Fund may also consist of any proceeds of any gifts, grants, or contributions to the State that are specifically designated for inclusion in the Endowment Fund and any investment income that is not used in accordance with subsection (b) of this section. The State Treasurer shall hold the Endowment Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall invest the assets of the Endowment Fund in accordance with the provisions of G.S. 147-69.2 and G.S. 147-69.3. The State Treasurer shall disburse the endowment investment income only upon the written direction of the Chair of the Board of Trustees. No expenditure or disbursement shall be made from the principal of the Endowment Fund.

(b) The Trustees may authorize the disbursement of the endowment investment income only for activities related to stewardship of conservation easements owned by the State.

...

**"§ 143B-135.240. ~~Clean Water Management Trust North Carolina Land and Water~~ Fund: Board of Trustees established; membership qualifications; vacancies; meetings and meeting facilities.**

(a) Board of Trustees Established. – There is established the ~~Clean Water Management Trust North Carolina Land and Water~~ Fund Board of Trustees. The ~~Clean Water Management Trust North Carolina Land and Water~~ Fund Board of Trustees shall be administratively located within the Department of Natural and Cultural Resources.

(b) Membership. – The ~~Clean Water Management Trust North Carolina Land and Water~~ Fund Board of Trustees shall be composed of nine members appointed to three-year terms as follows:

...

The initial terms of members appointed pursuant to subdivisions (2) and (8) of this subsection shall expire July 1, 2020. The initial terms of members appointed pursuant to subdivisions (1) and (4) of this subsection shall expire July 1, 2021. The initial terms of members appointed pursuant to subdivisions (3), (6), and (9) of this subsection shall expire July 1, 2022.

...

**"§ 143B-135.242. ~~Clean Water Management Trust~~ North Carolina Land and Water Fund Board of Trustees: powers and duties.**

...

**"§ 143B-135.244. ~~Clean Water Management Trust~~ North Carolina Land and Water Fund: reporting requirement.**

The Chair of the Board of Trustees shall report no later than December 1 each year to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental Review Commission, the Subcommittees of the House of Representatives and Senate Appropriations Committees with jurisdiction over natural and economic resources, and the Fiscal Research Division of the General Assembly regarding the implementation of this Part. The report shall include a list of the projects awarded grants from the Fund for the previous 12-month period. The list shall include for each project a description of the project, the amount of the grant awarded for the project, and the total cost of the project. For projects funded for the purpose set forth in G.S. 143B-135.234(c)(12), the report shall also include the amount of flood storage capacity enhanced or restored for each project.

**"§ 143B-135.246. ~~Clean Water Management Trust~~ North Carolina Land and Water Fund: Executive Director and staff.**

The Secretary of Natural and Cultural Resources shall select and appoint a competent person in accordance with this section as Executive Director of the ~~Clean Water Management Trust~~ North Carolina Land and Water Fund Board of Trustees. The Executive Director shall be charged with the supervision of all activities under the jurisdiction of the Trustees and shall serve as the chief administrative officer of the Trustees. Subject to the approval of the Secretary of Natural and Cultural Resources, the Executive Director may employ such clerical and other assistants as may be deemed necessary.

The person selected as Executive Director shall have had training and experience in conservation, protection, and management of surface water resources. The salary of the Executive Director shall be fixed by the Secretary of Natural and Cultural Resources, and the Executive Director shall be allowed travel and subsistence expenses in accordance with G.S. 138-6. The Executive Director's salary and expenses shall be paid from the Fund. The term of office of the Executive Director shall be at the pleasure of the Secretary of Natural and Cultural Resources."

**SECTION 9.(f)** G.S. 146-30.2 reads as rewritten:

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

...

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

- (1) Any expenses incurred incident to that sale as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State.
- (2) A service charge to be paid into the State Land Fund, unless such service charge is prohibited by G.S. 146-30.
- (3) An amount equal to twelve and one-half percent (12.5%) of the gross amount received to be paid into the ~~Clean Water Management Trust~~ North Carolina Land and Water Fund established under G.S. 143B-135.234(a).

- (4) An amount equal to twelve and one-half percent (12.5%) of the gross amount received to be paid into the Parks and Recreation Trust Fund established under G.S. 143B-135.56(a).

...."

## **REVISIONS TO THE NORTH CAROLINA LAND AND WATER FUND BOARD OF TRUSTEES**

**SECTION 10.** G.S. 143B-135.242(d) reads as rewritten:

"(d) Acquisition of Land. – The Trustees may acquire land by purchase, negotiation, gift, or devise. Any acquisition of land by the Trustees must be reviewed and approved by the Council of ~~State~~ State, unless the Council of State delegates approval authority, and ~~the deed~~ deeds for ~~the land in fee simple absolute~~ are subject to approval of the Attorney General before the acquisition can become effective. In determining whether to acquire land as permitted by this Part, the Trustees shall consider whether the acquisition furthers the purposes of this Part. Nothing in this section shall allow the Trustees to acquire land under the right of eminent domain."

## **CLARIFY PUBLIC RECORDS STATUTE RELATED TO PHOTOGRAPHS AND VIDEO RECORDINGS OF DERELICT VESSELS AND SHIPWRECKS**

**SECTION 11.** G.S. 121-25 reads as rewritten:

"§ 121-25. License to conduct exploration, recovery or salvage operations.

(a) Any qualified person, firm or corporation desiring to conduct any type of exploration, recovery or salvage operations, in the course of which any part of a derelict vessel or its contents or other archaeological site may be removed, displaced or destroyed, shall first make application to the Department of Natural and Cultural Resources and obtain a permit or license to conduct such operations. If the Department of Natural and Cultural Resources shall find that the granting of such permit or license is in the best interest of the State, it may grant such applicant a permit or license for such a period of time and under such conditions as the Department may deem to be in the best interest of the State. ~~Except as otherwise provided in subsection (b) of this section, such~~ Such permit or license may include but need not be limited to any of the following:

- (1) Payment of monetary fee to be set by the Department.
- (2) That a portion or all of the historic material or artifacts be delivered to custody and possession of the Department.
- (3) That a portion of all of such relics or artifacts may be sold or retained by the licensee.
- (4) That a portion or all of such relics or artifacts may be sold or traded by the Department.

Permits or licenses may be renewed upon or prior to expiration upon such terms as the applicant and the Department may mutually agree. Holders of permits or licenses shall be responsible for obtaining permission of any federal agencies having jurisdiction, including the United States Coast Guard, the United States Department of the Navy and the United States Army Corps of Engineers prior to conducting any salvaging operations.

(b) ~~All photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions shall be a public record pursuant to Chapter 132 of the General Statutes.~~"

## **CHEROKEE MOUND TECHNICAL CORRECTION**

**SECTION 12.** Section 40.17(a)(55) of S.L. 2021-180, as enacted by Section 9.1(d) of S.L. 2021-189 and amended by Section 18.1 of S.L. 2022-6, reads as rewritten:

"(55) The funds for Nikwasi Town Cherokee Settlement in the sum of seven hundred thirteen thousand four hundred dollars (\$713,400) for the 2021-2022 fiscal year and the funds for Watauga Town Cherokee Settlement in the sum of one hundred thousand dollars (\$100,000) for the 2021-2022 fiscal year shall instead be provided as follows:

- a. ~~A grant in the sum of six-eight hundred thirteen thousand four hundred dollars (\$600,000) (\$813,400) to Mainspring Conservation Trust, Inc., a nonprofit corporation, for the purchase of approximately 0.6 acres at the site of land acquisition at the Cherokee settlement of Nikwasi Town in the Town of Franklin in Macon County with a conservation and preservation easement to be held by the Department of Natural and Cultural Resources; and Watauga Town Cherokee mound sites.~~
- b. ~~A grant in the sum of one hundred thirteen thousand four hundred dollars (\$113,400) to the Department of Natural and Cultural Resources for the purchase of a conservation and preservation easement of approximately 0.7 acres at the site of the Cherokee settlement of Nikwasi Town in the Town of Franklin in Macon County."~~

## STATE NATURE AND HISTORIC PRESERVE ADDITIONS AND DELETIONS

**SECTION 13.** G.S. 143-260.10 reads as rewritten:

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

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

- (1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~June 7, 2022; May 2, 2023~~: Baldhead Island State Natural Area, Bakers Lake State Natural Area, Bay Tree Lake State Natural Area, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bob's Creek State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk Knob State Park, Fonta Flora State Trail, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Grandfather Mountain State Park, Haw River State Park, Hammocks Beach State Park, Jones Lake State Park, Lake Norman State Park, Lea Island State Natural Area, Medoc Mountain State Park, Merchants Millpond State Park, Mount Mitchell State Park, ~~Oceoneechee Mountain State Natural Area~~, Pettigrew State Park, Pilot Mountain State Park, Pineola Bog State Natural Area, Pisgah View State Park, Raven Rock State Park, Run Hill State Natural Area, Salmon Creek State Natural Area, Sandy Run Savannas State Natural Area, Singletary Lake State Park, ~~South Mountains State Park~~, Stone Mountain State Park, Sugar Mountain State Natural Area, Theodore Roosevelt State Natural Area, Warwick Mill Bay State Natural Area, Weymouth Woods-Sandhills State Natural Area, Wilderness Gateway State Trail, and Yellow Mountain State Natural Area.
- (2) All lands and waters within the boundaries of William B. Umstead State Park as of ~~June 7, 2022; May 2, 2023~~, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land

for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land. [The tracts are as follows:]

- a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws.
  - b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 13337, Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.
- (3) Repealed by Session Laws 1999-268, s. 2.
- (4) All lands within the boundaries of Morrow Mountain State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.
- (5) Repealed by Session Laws 1999-268, s. 2.
- (6) All land within the boundaries of Crowders Mountain State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Crowders Mountain State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated July 22, 1988 and filed in the State Property Office.
  - b. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
  - c. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem Road) and containing 14,964 square feet as shown on the survey entitled "Survey for Crowders Mountain State Park, Deed Book 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by David W. Dickson, P.A. dated February 28, 2008.
  - d. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page 85, and containing 0.06 acres and 0.515 acres as shown on the survey entitled "Boundary Survey for the State of N.C. Department of Administration, Township No. Four Cleveland County, N.C." by Carolinas Design Group, PLLC, dated November 6, 2007.
  - e. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.

- f. The portion of that certain tract or parcel of property at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1240, Page 451, and containing 225 square feet as shown in a survey prepared by R&W Engineering and Surveying entitled "Conveyance of 0.0052 acres owned by Crowders Mountain State Park, Gaston Co., NC" and dated January 18, 1995.
- (7) All lands owned in fee simple by the State within the boundaries of New River State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts: The portion of that certain tract or parcel of land at New River State Park in Ashe County, Chestnut Hill Township, described in Deed Book 432, Page 724, and containing 44,033 square feet as shown on the survey prepared by Thomas Herman Company, PLLC and entitled "Survey for State of North Carolina, Division of Parks and Recreation; Harold Davis; and Joe Davis" dated March 24, 2017, and on file with the State Property Office.
  - (8) Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
  - (9) All lands and waters located within the boundaries of the following State Historic Sites as of ~~June 7, 2022~~: May 2, 2023: Alamance Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe, North Carolina Transportation Museum, President James K. Polk, Reed Gold Mine, Shallow Ford of the Yadkin, Somerset Place, Historic Stagville, State Capitol, Thomas Day House/Union Tavern, Town Creek Indian Mound, Tryon Palace Historic Sites and Gardens, Zebulon B. Vance Birthplace, Endor Iron Furnace, and Thomas Wolfe Memorial, with the exception of the following tracts:
    - a. The parcel of property at Tryon Palace Historic Sites and Gardens in Craven County, described in Deed Book 1740, Page 575, and located at 308 George Street, New Bern, North Carolina, 28562.
    - b. The portion of that certain tract or parcel of property at Tryon Palace Historic Sites and Gardens in Craven County, described in Deed Book 1248, Page 699, and containing approximately 4,250 square feet as shown on a survey prepared by Rivers & Associates, Inc., entitled "Easement Survey Map for: The City of New Bern Permanent Utility and Maintenance Easement, State of North Carolina (State Property Office) 116 West Jones Street, Raleigh, NC 27603," dated April 24, 2017.
  - (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.
  - (12) All lands and waters located within the boundaries of Hanging Rock State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
    - a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property

Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

- b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing Camp Sertoma Tracts" by C.E Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.
  - c. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 368, Page 415, and containing 2,800 square feet as shown on the survey prepared by Norman T. Scott entitled "Survey For David Hoskins," dated May 20, 2020.
  - d. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, Yadkin Township, described in Deed Book 588, Page 727, and containing 0.155 acres as shown on the survey entitled "Plat of Survey for the State of North Carolina Showing Proposed Boundary Line Agreement" by C.E. Robertson and Associates, PC, dated March 14, 2023. The tract excluded from the State Nature and Historic Preserve under this sub-subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.
- (13) Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
- (14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.
- (15) All lands and waters within the boundaries of Jockey's Ridge State Park as of ~~June 7, 2022,~~ May 2, 2023, with the exception of the following tracts:
- a. The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.
  - b. The portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 222, Page 726, and containing 42,909 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.
  - c. The portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 224, Page 790, and Deed Book 224, Page 794, and containing 34,471 square feet as shown on the survey prepared by Styons Surveying Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

- d. The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 501, and Deed Book 230, Page 525, and containing 12,655 square feet as shown on the preliminary plat entitled "Easement Survey for Town of Nags Head" prepared by Seaboard Surveying & Planning, Inc., dated August 29, 2012.
  - e. The portion of that certain tract or parcel of property at Jockey's Ridge State Park in Dare County, described in Deed Book 222, Page 732, and Deed Book 227, Page 501, and containing 0.6 acres as shown in a survey by Timmons Group entitled "Plat Showing a Proposed Dominion North Carolina Power Easement Across the Properties of the State of North Carolina (Jockey's Ridge State Park)," dated December 18, 2014.
- (16) All lands and waters located within the boundaries of Mount Jefferson State Natural Area as of ~~June 7, 2022~~, May 2, 2023. With respect to the communications tower site on the top of Mount Jefferson and located on that certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe County, West Jefferson Township, described in Deed Book F-3, Page 94, the State may provide space at the communications tower site to State public safety and emergency management agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. In conformance with G.S. 146-29.2, the State may lease space at the communications tower site to local governments in Ashe County for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment that is necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes.
- (17) All lands and waters within the Eno River State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Eno River State Park in Durham County, Durham Outside Township, described in Deed Book 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square feet and being the portion of Lot No. 2 shown as the existing scenic easement hereby removed on the drawing prepared by Sear-Brown entitled "Recombination Plat Eno Forest Subdivision" bearing the preparer's file name 00-208-07.dwg, and filed with State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
  - b. The portion of that certain tract or parcel of land at Eno River State Park in Orange County, described in Deed Book 3878, Page 461, and



Plat Book 98, Page 11, containing 5,313 square feet and required for the permanent easements for bridge replacement project B-4216 on SR 1002 (St. Mary's Road), as shown in the drawing entitled "Preliminary Plans, Project Reference No. B-4216" prepared for North Carolina Department of Transportation by Mulkey Engineers and Consultants dated March 10, 2009, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

- (18) All land and waters within the boundaries of Hemlock Bluffs State Natural Area as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hemlock Bluffs State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portion of that certain tract or parcel of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461, Page 037, containing 2,025 square feet and being the portion of this tract shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office.
  - b. The portion of those certain tracts or parcels of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 4670, Page 420, containing 24,092 square feet and being the portion of these tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office.
  - c. The portion of that certain tract or parcel of property in Wake County, described in Deed Book 3135, Page 937, and containing 14.4 acres as shown in a survey prepared by A. Roger Barnes (RLS) entitled "Proposed Exchange of 14.4 Acres From the State of North Carolina to the Town of Cary," dated August 19, 1988.
- (19) All lands and waters within the boundaries of Lake James State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Lake James State Park containing 13.85 acres, and being 100 feet to the east and 150 feet to the west of a centerline shown on a survey by Witherspoon Surveying PLLC, dated February 9, 2007, and filed in the State Property Office. The State of North Carolina may grant a temporary easement to Duke Energy Corporation across this tract to facilitate the

Catawba Dam Embankment Seismic Stability Improvements Project. The grant of the easement within Lake James State Park to Duke Energy Corporation under this sub-subdivision constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of Lake James State Park or another State park. The State may not otherwise sell or exchange this land.

b. The portion of that certain tract or parcel of land at Lake James State Park in McDowell County, Nebo Township, described in Deed Book 377, Page 423, and also shown as Tract B on the plat of survey prepared by Kenneth D. Suttles, RLS, dated December 4, 1987, entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book 4, Page 275 of the McDowell County Registry, for a 40-foot right-of-way beginning at the southwest corner of Tract B and continuing along the southern boundary 86 38' 51 E for 400 feet to the now or former John D. Walker property. The State of North Carolina may grant an easement across this tract to extinguish prescriptive easements on Tract B to improve management of the State park property. The State may not otherwise sell or exchange this land. The easement excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54.

~~e. That portion of that certain tract or parcel of land at Lake James State Park in Burke County, Linville Township, described in Deed Book 1431, Page 859, and shown on the survey prepared by Suttles Surveying, PA dated May 2, 2014, entitled "Survey for State of North Carolina," containing 3.41 acres and on file with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lake James State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.~~

(20) All lands and waters within the boundaries of Lake Waccamaw State Park as of ~~June 7, 2022,~~ May 2, 2023, with the exception of the following tracts:

a. The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County described in Deed Book 835, Page 590, containing 48,210 square feet and being the portion of this tract shown as new R/W and permanent utility easement on drawing prepared by State of North Carolina Department of Transportation entitled "Map of Proposed Right of Way Property of State of North Carolina (Parks and Recreation) Columbus County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E. Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only

- exchange this land for other land for the expansion of Lake Waccamaw State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- b. The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County, Bolton Township, described in Deed Book 231, Page 597, containing 56,440 square feet and being the portion of this tract shown as Option A and Proposed 20' Wide Utility easement on a drawing entitled "Map for State of North Carolina and Town of Lake Waccamaw" and filed with the State Property Office. The grant of the easement within Lake Waccamaw State Park to the Town of Lake Waccamaw under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes.
- (21) All lands and waters within the boundaries of Chimney Rock State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes

specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.

- c. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
  - d. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, being Parcel 2 as described in Deed Book 933, Page 598, containing 0.24 acres as shown on a survey prepared by Professional Surveying Services entitled "Chimney Rock State Park," dated April 13, 2007. The tract excluded from the State Nature and Historic Preserve under this section is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- (22) All State-owned land and waters within the boundaries of the Mountains-to-Sea Trail as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tract: The portion of that certain tract or parcel in Johnston County described in Deed Book 3634, Page 278, containing 1.538 acres as shown as the proposed easement area for Piedmont Natural Gas Company transmission line on the drawing prepared by McKim & Creed entitled "Easement Across The Land Of State of North Carolina," dated September 28, 2021, and revised October 6, 2021. The State of North Carolina may grant an easement to Piedmont Natural Gas Company across this tract to facilitate the transmission of natural gas. The grant of the easement within the Mountains-to-Sea Trail to Piedmont Natural Gas Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of the Mountains-to-Sea Trail or another State park. The State may not otherwise sell or exchange this land.
- (23) All State-owned land and waters within the boundaries of Gorges State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Gorges State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portions of that certain tract or parcel of land in Transylvania County, described in Deed Book 267, Page 838, containing a total of 7.26 acres for the North Carolina Department of Transportation project TIP R-2409C US 64 Safety Improvements. As shown on right-of-way drawing from the North Carolina Department of Transportation dated May 22, 2014, for TIP R-2409C, Parcel 002, on file with the State Property Office.
  - b. ~~The portion of that certain tract or parcel of property at Gorges State Park in Transylvania County, described in Deed Book 153, Page 083,~~

~~and containing approximately 4.2 acres as shown as Tract "A" in a survey prepared by E. Roger Raxter, Inc., entitled "State of North Carolina and Blue Ridge Mountains RV Resort Property Owners' Association, Inc.," and dated March 20, 2016.~~

- (24) All State-owned land and waters within the boundaries of Lower Haw State Natural Area as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcels in Chatham County, described in Deed Book 1319, Page 1047, containing 12,501 square feet and shown on a survey entitled "Recombination Survey for the North Carolina Division of Parks and Recreation and PK Ventures I LTD Partnership" prepared by S.D. Puckett and Associates dated April 22, 2014, and on file with the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lower Haw State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
  - b. The portion of that certain tract or parcel of land at Lower Haw State Natural Area in Chatham County, Center Township, containing 1,658 square feet and shown on a survey prepared by TEP Engineering entitled "Permanent Electrical Easement Exhibit," dated June 15, 2020. The State of North Carolina may grant an easement to Conterra Ultra Broadband across this tract to extend broadband services. The grant of the easement within Lower Haw State Natural Area to Conterra Ultra Broadband under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes.
- (25) All State-owned land and waters within the boundaries of Lumber River State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts:
- a. The portions of those certain tracts or parcels of land in Robeson County, described in Deed Book 919, Page 862, Deed Book 1097, Page 837, Deed Book 935, Page 170, Deed Book 1125, Page 562, and Deed Book 1117, Page 680, containing a total of 3.39 acres for the North Carolina Department of Transportation secondary road project 6C.078030 SR 2245 (VC Britt Road) and shown on the survey entitled "Survey of Tracts 1A and 1B, VC Britt Rd, Orrum NC" prepared by the North Carolina Department of Transportation. The tracts excluded from the State Nature and Historic Preserve under this sub-subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
  - b. The portions of that certain tract or parcel of property at Lumber River State Park in Robeson County, described in Deed Book 575, Page 523,

and containing approximately 1.08 acre (Tract A) and 0.12 acre (Tract C) as shown in a survey by Jerry W. Lee entitled "Survey for State of North Carolina" dated June 28, 2016. The land described in this sub-subdivision is deleted from the State Park System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

- c. The portion of those certain tracts or parcels of land at Lumber River State Park in Robeson County, Pembroke Township, described in Deed Book 575, Page 523 and Deed Book 931, Page 415 and containing a total of approximately 2.12 acres as shown in surveys prepared by McKim and Creed and labeled Drawing Number 2017-041 and 2017-042 dated April 24, 2017, and on file with the State Property Office.
  - d. The portion of that certain tract or parcel of land at Lumber River State Park in Robeson County, described in Deed Book 1899, Page 479, containing 0.5 acres and being a 20-foot wide easement beginning at N.C. 711 (Country Club Road) and extending in a southerly direction approximately 1,200 feet along the eastern boundary of the Elaine K. Leggett tract, as shown on a survey prepared by W.E. Stone Jr., entitled "Map of Property in Raft Swamp TWP Robeson County N.C., Made For Estate of O.C. Norment," dated November 24, 1970. The tracts excluded from the State Nature and Historic Preserve under this sub-subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54.
  - e. The portions of that certain tract or parcel of land at Lumber River State Park in Robeson County, described in Deed Book 1134, Page 70, containing a total of 9,572.57 square feet for the North Carolina Department of Transportation Improvement Plan I-6064A (Interstate-95 Widening) and shown on the drawing prepared by ICE of Carolinas, PLLC, and filed in the State Property Office.
- (26) All State-owned land and waters within the boundaries of Mitchells Millpond State Natural Area as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of the State Parks System or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portions of that certain tract or parcel in Wake County, described in Deed Book 2445, Page 62, containing approximately 0.215 acres as shown on the right-of-way plan for SR 2224 (Mitchell Mill Road) bridge No. 162 replacement project and on file with the State Property Office.
  - b. The portion of that certain tract or parcel of property at Mitchell's Millpond State Natural Area in Wake County, described in Deed Book 4186, Page 756, and containing 0.08 acres as shown in a survey by the North Carolina Department of Transportation, Right-of-Way Branch, entitled "State of North Carolina, Parcel 002," dated March 11, 2015.

- (27) All lands and waters within the boundaries of Carvers Creek State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tract: the portion of that certain tract or parcel of land at Carvers Creek State Park in Cumberland County, described in Deed Book 8466, Page 67, and containing 0.33 acres, more or less, as shown on the survey entitled "Ingress-Egress Easement for Stone Mountain Farm, LLC & William C. Elliott, Estate & The State of North Carolina" by George L. Lott, PLS, dated November 2013, and revised in May 2015 and filed with the State Property Office.
- (28) All lands and waters within the boundaries of Mayo River State Park as of ~~June 7, 2022~~, May 2, 2023, with the exception of the following tracts, to allow construction of an access bridge from a tract or parcel of land owned by the State of North Carolina over the Mayo River, which bridge shall be of sufficient width to allow emergency vehicle and State Park vehicle access for the purpose of addressing public safety issues and service vehicle access to monitor, maintain, repair, or replace the existing sewer line traversing portions of Mayo River State Park:
- a. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1244, Page 1392, and containing 6.62 acres.
  - b. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1244, Page 1390, and containing 0.62 acres.
  - c. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2214, and containing 0.61 acres.
  - d. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2216, and containing 0.52 acres.
  - e. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2216, and containing 1.54 acres.
- (29) Certain tracts within and in the vicinity of the National Landmark Historic District of Bethania in Forsyth County containing approximately 189.84 acres, identified within the State Property Office file as those complexes designated as Bethania Walnut Bluffs and Historic Bethabara Park, and assigned to the Department of Natural and Cultural Resources as of May 2, 2023.
- (30) All lands and waters located within the boundaries of the Occoneechee Mountain State Natural Area as of May 2, 2023, with the exception of the following tract: the portion of that certain tract or parcel of land at Occoneechee Mountain State Natural Area in Orange County, Hillsborough Township, described in Deed Book 6638, Page 2222, and Deed Book 6638, Page 2227, containing 2,662.48 square feet for the North Carolina Department of Transportation Improvement Plan I-3306A (Interstate-40 Widening) and shown on the drawing prepared by HDR Engineering, Inc., of the Carolinas and filed in the State Property Office.
- (31) All lands and waters located within the boundaries of South Mountains State Park as of May 2, 2023, with the exception of the following tract: with respect to the communications tower site on Walkertop Mountain located on a portion of that certain tract or parcel of land at South Mountains State Park in Burke County, Morganton Township, described in Deed Book 2654, Page 801, the

State may provide space at the communications tower site for the placement of broadband infrastructure on State land. In conformance with G.S. 146-29.2, the State shall allow the collocation, installation, and operation of equipment by a broadband provider on any existing structure owned by the State. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes."

**EFFECTIVE DATE**

**SECTION 14.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26<sup>th</sup> day of June, 2023.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Donna McDowell White  
Presiding Officer of the House of Representatives

s/ Roy Cooper  
Governor

Approved 9:01 a.m. this 30<sup>th</sup> day of June, 2023