

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1158*

Short Title: Military Base Land Preservation Fund. (Public)

Sponsors: Senators Hargett; Dorsett, Kerr, Lucas, Moore, and Thomas.

Referred to: Appropriations/Base Budget.

May 19, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND
3 TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY
4 BASES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 113 of the General Statutes is amended by adding a
7 new Article to read:

8 **"Article 5B.**

9 **"Military Base Land Preservation Fund.**

10 **"§ 113-77.10. Military Base Land Preservation Fund.**

11 (a) There is established a Military Base Land Preservation Fund in the State
12 Treasurer's office that shall be used to finance the Military Base Land Preservation
13 Program authorized by this Article.

14 (b) The State Treasurer shall hold the Fund separate and apart from all other
15 moneys, funds, and accounts. Investment earnings credited to the assets of the Fund
16 shall become part of the Fund. The Fund may include any moneys, funds, accounts, or
17 assets from whatever source, including appropriations from the General Assembly,
18 specifically designated to be placed in the Fund. Any balance remaining in the Fund at
19 the end of any fiscal year shall be carried forward in the Fund for the next succeeding
20 fiscal year. Payments from the Fund shall be made on the warrant of the Chair of the
21 Board.

22 (c) The Board shall set aside an amount from the Fund, not to exceed twenty
23 percent (20%) of the appraised value of acquired land, or the land affected if less than a
24 fee interest is acquired for the management of the acquired land."

25 **"§ 113-77.11. Military Base Land Preservation Fund Board.**

26 (a) Expenditures from the Fund shall be authorized by a 13-member Board of
27 Directors. The Board shall consist of 13 members as follows:

28 (1) Four at-large members shall be appointed by the Governor. Persons
29 appointed shall be knowledgeable about the acquisition and

- 1 preservation of lands and other interests necessary to military
2 operations, and the problems of encroachment on military installations.
3 (2) Four members of the Senate upon the recommendation of the President
4 Pro Tempore of the Senate in accordance with G.S. 120-121.
5 (3) Four members of the House of Representatives upon the
6 recommendation of the Speakers of the House of Representatives in
7 accordance with G.S. 120-121.
8 (4) The Secretary of the Department of Administration, who shall serve as
9 Chair.

10 The appointing authorities shall designate two of their initial appointments to serve
11 two-year terms, and the other two appointments to serve three-year terms. Thereafter,
12 all appointments shall be for four years, subject to reappointment. Appointments shall
13 expire January 1 of even-numbered years. The Secretary of the Department of
14 Administration shall provide the Board with staff support and meeting facilities using
15 expenditures from the Fund. Membership on the Board is declared to be a position that
16 may be held concurrently with any other executive or appointive office, under the
17 authority of Article VI, Section 9, of the North Carolina Constitution.

18 (b) The Board shall meet at least once each year and may hold special meetings
19 at the call of the Chair or a majority of the members.

20 (c) The Board shall receive the per diem, subsistence allowances, and travel
21 expenses allowed for other members of boards and commissions of the State as fixed in
22 G.S. 138-5.

23 **"§ 113-77.12. Acquisition of lands with funds from the Military Base Land**
24 **Preservation Fund.**

25 (a) From time to time, but at least once each year, the North Carolina Advisory
26 Commission on Military Affairs shall recommend to the Board any interests in property
27 to be acquired with funds from the Fund. The interests may be fee simple absolute,
28 easement, or any other interest. For each tract or interest proposed, the Board shall be
29 provided with the following information:

- 30 (1) The military value and necessity for the purchase of the land. For the
31 purposes of this section, "military value" of land means that the land
32 will affect the ability of the military to do their training; affect military
33 readiness by providing roads, rail lines, ports, and airports to allow for
34 rapid force deployment; or affect the ability of the military to conduct
35 ongoing or proposed military operations.
36 (2) How the purchase of the land will impact existing communities
37 through the reduction of noise pollution and potential danger due to
38 low-level aircraft and other military operations.
39 (3) Other sources of funds that may be available to assist in acquiring the
40 land.
41 (4) Potential uses for the land that will not affect or hamper ongoing or
42 proposed military training or operations.
43 (5) The State agency that will be responsible for managing the land.

1 **(b)** The Board may acquire by donation, or authorize the expenditure of, funds to
2 purchase any interest in real property that meets any of the following:

3 **(1)** Any interest that will prevent the encroachment of development near
4 military installations, or any other interest that would enhance the
5 ability of the military to conduct ongoing or proposed military training
6 or operations.

7 **(2)** Any interest that will serve to reduce the impact of noise on the
8 citizens of North Carolina.

9 **(3)** Any interest that will serve to enhance the safety of the citizens of
10 North Carolina.

11 **(c)** The Board may authorize the expenditure of funds to assist other
12 organizations, public or private, to acquire interests in real property that meet the
13 criteria that are set forth in subsection (b).

14 **(d)** The Department of Administration may, pursuant to G.S. 143-341, acquire by
15 purchase, gift, or receive by devise or conveyance all lands or interests in land selected
16 by the Board for acquisition pursuant to this Article. Title to any land acquired pursuant
17 to subsection (b) of this section shall be vested in the State.

18 **(e)** A State agency with management responsibility for land acquired pursuant to
19 this Article may enter into a management agreement or lease with a county, city, town,
20 or private nonprofit organization qualified under G.S. 105-151.12 and G.S. 105-130.34
21 and certified under section 501(c)(3) of the Internal Revenue Code to aid in managing
22 the land. A management agreement or lease shall be executed by the Department of
23 Administration pursuant to G.S. 143-341.

24 **(f)** The Secretary shall maintain and revise twice each year a list of all
25 expenditures and acquisitions made pursuant to this Article. The list shall include: a
26 description of any interests in land and the amount paid to acquire the interest, the
27 acreage of each tract acquired or received by donation, the county or counties in which
28 the tract is located, the amount paid from the Fund to acquire the tract, and the State
29 agency or other entity responsible for managing the tract. The Secretary shall furnish a
30 copy of the list, within 30 days after each revision, to each Board member, to the Joint
31 Legislative Commission on Governmental Operations, to the Fiscal Research Division,
32 and to the North Carolina Advisory Commission on Military Affairs."

33 **SECTION 2.** There is appropriated from the General Fund to the
34 Department of State Treasurer the sum of five million dollars (\$5,000,000) for the
35 2004-2005 fiscal year for the Military Base Land Preservation Fund.

36 **SECTION 3.** This act becomes effective July 1, 2004.