GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H **2**

HOUSE BILL 332
Committee Substitute Favorable 4/21/21

Short Title: Historic Sites-Property Sale Revenue. (Public)

Sponsors:

Referred to:

March 22, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW NET PROCEEDS FROM THE SALE OF CERTAIN REAL PROPERTY OWNED BY OR UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES TO BE DEPOSITED INTO SPECIAL FUNDS TO BE USED FOR THE BENEFIT OF CERTAIN STATE HISTORIC SITES AND MUSEUMS AND TO REMOVE CERTAIN LAND FROM THE STATE NATURE AND HISTORIC PRESERVE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 146-30 reads as rewritten:

"**§ 146-30. Application of net proceeds.**

(a) The net proceeds of any disposition made in accordance with this Subchapter shall be handled in accordance with the following priority:

(1) First, in accordance with the provisions of any trust or other instrument of title whereby title to real property was acquired.

(2) Second, as provided by any other act of the General Assembly.

(3) Third, by depositing the net proceeds with the State Treasurer.

Nothing in this section, however, prohibits the disposition of any State lands by exchange for other lands, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars ($25,000), then the exchange shall not be made without consultation with the Joint Legislative Commission on Governmental Operations.

…

(d) Notwithstanding any other provision of this Subchapter, the following exceptions apply:

…

<u>(11) The net proceeds derived from the sale of real property owned by or under the control of the Division of State Historic Sites and the Division of State History Museums in the Department of Natural and Cultural Resources shall be deposited in the State Historic Sites and Museums Fund, created in G.S. 121-7.7, and shall be used in accordance with that section.</u>

<u>(12) The net proceeds derived from the sale of real property owned by or under the control of the Division of Tryon Palace Historic Sites and Gardens in the Department of Natural and Cultural Resources shall be deposited in the Tryon Palace Historic Sites and Gardens Fund, created in G.S. 121-21.1, and shall be used in accordance with that section.</u>

<u>(13) The net proceeds derived from the sale of real property from the Bentonville Battlefield State Historic Site owned by or under the control of the Division</u>

of State Historic Sites in the Department of Natural and Cultural Resources shall be deposited in the Bentonville Battlefield Fund, created in G.S. 121-7.5, and shall be used in accordance with that section.

(14) The net proceeds derived from the sale of real property from the North Carolina Transportation Museum owned by or under the control of the Department of Natural and Cultural Resources shall be deposited in the North Carolina Transportation Museum Fund, created in G.S. 121-7.6, and shall be used in accordance with that section."

SECTION 2. G.S. 121-7.7(a) reads as rewritten:

"(a) Fund. – The State Historic Sites and Museums Fund is created as a special, interest-bearing revenue fund in the Division of State Historic Sites and the Division of State History Museums. The Fund consists of all receipts derived from the lease or rental of property or facilities, disposition of structures or products of the land, donations, gifts, devises, and admissions and fees collected at the State Historic Sites, State History Museums, and Maritime Museums. The Fund also consists of the net proceeds derived from the sale of real property pursuant to G.S. 146-30(d)(11). The revenues in the Fund may be used only for the operation, interpretation, maintenance, preservation, development, and expansion of the individual State Historic Site, State History Museum, and Maritime Museum where the receipts are generated. The respective Division and the staff from each State Historic Site, State History Museum, and Maritime Museum shall determine how the funds shall be used at that Historic Site, State History Museum, and Maritime Museum."

SECTION 3. G.S. 121-21.1 reads as rewritten:

"**§ 121-21.1. Tryon Palace Historic Sites and Gardens Fund.**

(a) Fund. – The Tryon Palace Historic Sites and Gardens Fund is hereby created as a special, interest-bearing, and nonreverting fund in the Division of Tryon Palace Historic Sites and Gardens. The Fund shall be treated as a special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Fund shall be used for operation, interpretation, repair, renovation, expansion, and maintenance at Tryon Palace Historic Sites and Gardens.

(b) ~~Disposition of Fees.~~ Fund Makeup. – ~~All entrance fee receipts shall be credited to the Tryon Palace Historic Sites and Gardens Fund.~~The Fund consists of all revenues derived from donations, gifts, devises, grants, and admissions and fees collected at the Tryon Palace Historic Sites and Gardens. The Fund also consists of the net proceeds derived from the sale of real property pursuant to G.S. 146-30(d)(12)."

…."

SECTION 4. G.S. 121-7.5(b) reads as rewritten:

"(b) ~~Disposition of Fees.~~ Fund Makeup. – Notwithstanding Chapter 146 of the General Statutes, all receipts derived from donations or the lease, rental, or other disposition of structures or products of the land owned by or under the supervision or control of the Division of Historic Sites in Johnston County shall be credited to the Fund. The Fund also consists of the net proceeds derived from the sale of real property pursuant to G.S. 146-30(d)(13)."

SECTION 5. G.S. 121-7.6(b) reads as rewritten:

"(b) Monies Credited to the Fund. – Notwithstanding Chapter 146 of the General Statutes, all receipts derived from the lease, rental, or other disposition of structures or products of the land, as well as all admissions and fees, gifts, donations, grants, and bequests, shall be credited to the Fund. The Fund also consists of the net proceeds derived from the sale of real property pursuant to G.S. 146-30(d)(14). The Fund shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3."

SECTION 6. 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:

…

(9) All lands and waters located within the boundaries of the following State Historic Sites as of May 2, 2017: 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, Somerset Place, Historic Stagville, State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, Endor Iron Furnace, and Thomas Wolfe ~~Memorial.~~Memorial, with the exception of the following tracts:

a. The portion of that certain tract or parcel of property at Tryon Palace Historic Sites & Gardens in Craven County, described in Deed Book 1740, Page 575, located at 308 George Street, New Bern, North Carolina, 28562.

…."

SECTION 7. This act is effective when it becomes law.