

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 1311
RATIFIED BILL

AN ACT TO AUTHORIZE THE ADDITION OF THE MOUNTAINS TO SEA STATE
PARK TRAIL TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE
ENVIRONMENTAL REVIEW COMMISSION.

Whereas, Section 5 of Article XIV of the North Carolina Constitution states that it shall be a proper function of the State of North Carolina to acquire and preserve park, recreational, and scenic areas and, in every other appropriate way, to preserve as a part of the common heritage of this State its open lands and places of beauty; and

Whereas, the General Assembly enacted the State Parks Act in 1987, declaring that the State of North Carolina offers unique archaeological, geological, biological, scenic, and recreational resources, and that these resources are part of the heritage of the people of the State to be preserved and managed by those people for their use and for the use of their visitors and descendants; and

Whereas, a Mountains to Sea Trail across North Carolina would offer outstanding recreational opportunities to the State's citizens; would protect riparian buffers and corridors of wildlife habitat along its route; and would possess biological, scenic, and recreational resources of statewide significance; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The General Assembly authorizes the Department of Environment and Natural Resources to add the Mountains to Sea State Park Trail to the State Parks System as provided in G.S. 113-44.14(b). The Mountains to Sea State Park Trail shall be comprised only of those lands or easements which are or will be allocated for management to the Division of Parks and Recreation for this purpose. The Division shall promote, encourage, and facilitate the establishment of dedicated connecting trails through lands managed by other governmental agencies and nonprofit organizations in order to form a continuous trail across the State.

Section 2. At least five business days prior to initiating condemnation proceedings to acquire land for the Mountains to Sea State Park Trail, the Department of Administration shall notify the board of commissioners of the county in which the land is located and, if the land is located in a municipality, the board of commissioners of the municipality. Unless a governing body of a county or municipality notifies the Department of Administration within

five business days that it objects to the proceedings, the Department of Administration may initiate the proceedings. The Department of Administration shall not initiate proceedings if a governing body of a county or municipality notifies the Department of Administration within five business days that it objects to the proceedings.

Section 3. Article 2 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-34.1. Power to acquire conservation lands not included in the State Parks System.

The Department of Administration may acquire and allocate to the Department of Environment and Natural Resources for management by the Division of Parks and Recreation lands that the Department of Environment and Natural Resources finds are important for conservation purposes but which are not included in the State Parks System. Lands acquired pursuant to this section are not subject to Article 2C of Chapter 113 of the General Statutes and may be traded or transferred as necessary to protect, develop, and manage the Mountains to Sea State Park Trail, other State parks, or other conservation lands. This section does not expand the power granted to the Department of Environment and Natural Resources under G.S. 113-34(a) to acquire land by condemnation."

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 12th day of July, 2000.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved .m. this day of , 2000