

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1198

Short Title: Natural Heritage/Clean Water.

(Public)

Sponsors: Senator Basnight.

Referred to: Finance.

May 5, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE PRESERVATION OF NATURAL AREAS IN NORTH CAROLINA AND TO HELP LOCAL GOVERNMENTS MEET THE CLEAN WATER NEEDS OF THE PEOPLE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-228.30 reads as rewritten:

"§ 105-228.30. Imposition of excise stamp tax, tax; distribution of proceeds.

(a) There is hereby levied an excise tax on each deed, instrument or writing by which any lands, tenements or other realty shall be granted, assigned or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons. The tax imposed hereby shall be at the rate of fifty cents (50¢) one dollar and fifty cents (\$1.50) on each five hundred dollars (\$500.00) or fractional part thereof of the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale). The tax hereby imposed and levied shall be paid by the transferor or transferors to the county wherein the real estate is situated prior to recording the instrument of conveyance; provided that, if the instrument transfers any parcel of real estate lying in two or more counties, the tax shall be paid to the county wherein the greater part of the real estate with respect to value lies. Except as otherwise hereinafter provided, the proceeds of the tax herein levied shall be retained by the county and placed in its general funds.

(b) The register of deeds of each county shall remit the proceeds of the tax levied by this section to the county finance officer to be distributed on a monthly basis as follows: one-third of the net proceeds shall be retained by the county and placed in its general fund; one-third of the net proceeds shall be deposited with the State Treasurer

1 for the Recreation and Natural Heritage Trust Fund created in Article 5A of Chapter
2 113; and one-third of the net proceeds shall be deposited with the State Treasurer for the
3 Water and Sewer Development Fund. The county finance officer shall make the
4 monthly distributions no later than 30 days after the end of the month in which the
5 proceeds were collected. As used in this section, the term 'net proceeds' means gross
6 proceeds less the cost to the county of collecting and administering the tax."

7 Sec. 2. There is created in the Office of State Budget and Management a
8 special fund to be known as the Water and Sewer Development Fund. The Fund shall
9 be placed in an interest bearing account and any interest or other income derived from
10 the Fund shall be credited to the Fund. The Water and Sewer Development Fund shall
11 be subject to the provisions of the Executive Budget Act except that no unexpended
12 surplus of the Fund shall revert to the General Fund. All funds credited to the Water
13 and Sewer Development Fund shall be used only for grants or loans to local
14 governments for wastewater treatment facilities and water supply facilities. Effective
15 July 1, 1989, until June 30, 1991, the Office of State Budget and Management shall, on
16 a quarterly basis, transfer the funds in the Water and Sewer Development Fund to the
17 Clean Water Revolving Loan and Grant Fund established in Chapter 159G of the
18 General Statutes to be used for grants and loans to local governments for wastewater
19 treatment facilities and water supply facilities. Effective July 1, 1991, the funds in the
20 Water and Sewer Development Fund shall be appropriated, reserved, set aside, and
21 made available annually by the General Assembly for grants and loans to local
22 governments for wastewater treatment facilities and water supply facilities.

23 Sec. 3. G.S. 113-77.8(a) reads as rewritten:

24 "(a) Expenditures from the Fund shall be authorized by a nine-member
25 Board of Trustees. Three members shall be appointed by the Governor, three by the
26 Lieutenant Governor, and three by the Speaker of the House of Representatives.
27 Persons appointed shall be knowledgeable in the acquisition and management of natural
28 areas. One of the persons appointed by the Governor and one of the persons appointed
29 by the Speaker of the House of Representatives shall be representatives of the
30 residential building industry. Each appointing officer shall designate one of his initial
31 appointments to serve a two-year term, one to serve a four-year term, and one to serve a
32 six-year term. Thereafter, all appointments shall be for six years, subject to
33 reappointment. All initial appointments shall be made on or before January 1, 1988.
34 The Governor shall appoint one Trustee to serve as Chairman of the Board. The
35 Secretary shall provide the Trustees with staff support and meeting facilities using
36 expenditures from the Fund. The office of Trustee is declared to be an office that may
37 be held concurrently with any other executive or appointive office, under the authority
38 of Article VI, Sec. 9, of the North Carolina Constitution."

39 Sec. 4. Section 2 of Chapter 871 of the 1987 Session Laws reads as
40 rewritten:

41 "Sec. 2. This act shall become effective September 1, 1987. ~~1987, and shall expire~~
42 ~~June 30, 1989."~~

43 Sec. 5. Section 3 of this act is effective upon ratification and applies to the
44 first appointments made by the Governor and Speaker of the House of Representatives

1 on or after the date of ratification. Section 4 of this act shall become effective June 29,
2 1989. The remainder of this act shall become effective July 1, 1989, and applies to
3 transfers made on or after that date.