

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1198  
Finance Committee Substitute Adopted 5/31/89

Short Title: Natural Heritage/Clean Water.

(Public)

Sponsors:

Referred to:

May 5, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE PRESERVATION OF NATURAL AREAS IN  
3 NORTH CAROLINA AND TO HELP LOCAL GOVERNMENTS MEET THE  
4 CLEAN WATER NEEDS OF THE PEOPLE OF NORTH CAROLINA.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 105-228.30. Imposition of excise stamp tax; tax; distribution of proceeds.**

8 (a) There is hereby levied an excise tax on each deed, instrument or writing by  
9 which any lands, tenements or other realty shall be granted, assigned or otherwise  
10 conveyed to, or vested in, the purchaser or purchasers, or any other person or persons.  
11 The tax imposed hereby shall be at the rate of ~~fifty cents (50¢)~~ one dollar (\$1.00) on each  
12 five hundred dollars (\$500.00) or fractional part thereof of the consideration or value of  
13 the interest or property conveyed (exclusive of the value of any lien or encumbrance  
14 remaining thereon at the time of sale). The tax ~~hereby imposed and levied~~ shall be paid  
15 by the transferor ~~or transferors~~ to the county wherein the real estate is situated prior to  
16 recording the instrument of conveyance; provided that, if the instrument transfers any  
17 parcel of real estate lying in two or more counties, the tax shall be paid to the county  
18 wherein the greater part of the real estate with respect to value lies. ~~Except as otherwise~~  
19 ~~hereinafter provided, the proceeds of the tax herein levied shall be retained by the county and~~  
20 ~~placed in its general funds.~~

21 (b) The register of deeds of each county shall remit the proceeds of the tax levied  
22 by this section to the county finance officer to be distributed on a monthly basis as  
23 follows: three-fourths of the net proceeds shall be retained by the county and placed in

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

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

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

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

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

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

1           Sec. 5. Section 3 of this act is effective upon ratification and applies to the  
2 first appointments made by the Governor and Speaker of the House of Representatives  
3 on or after the date of ratification. Section 4 of this act shall become effective June 29,  
4 1989. The remainder of this act shall become effective July 1, 1989, and applies to  
5 transfers made on or after that date.