

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 239*

Short Title: Fees at State Parks.

(Public)

Sponsors: Senators Sherron, Cochrane, Shaw, Tally, Winner; Block, Carpenter, Daniel, Hardin, Hunt of Durham, Hunt of Moore, Kaplan, Marvin, Sands, and Walker.

Referred to: State Government.

February 22, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT FEES COLLECTED AT STATE PARKS REMAIN IN
2 THE BUDGET OF THE PARK THAT COLLECTED THE FEE AND NOT
3 REVERT TO THE GENERAL FUND.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 113-34 reads as rewritten:

7 "**§ 113-34. Power to acquire lands as State forests, parks, etc.; donations or leases**
8 **by United States; leases for recreational purposes; rules governing public**
9 **use. ; parks fees.**

10 The Governor of the State is authorized upon recommendation of the Department of
11 Natural Resources and Community Development to accept gifts of land to the State, the
12 same to be held, protected, and administered by said Department of Natural Resources
13 and Community Development as State forests, and to be used so as to demonstrate the
14 practical utility of timber culture and water conservation, and as refuges for game. Such
15 gifts must be absolute except in such cases as where the mineral interest on the land has
16 previously been sold. The State Department of Natural Resources and Community
17 Development shall have the power to purchase lands in the name of the State, suitable
18 chiefly for the production of timber, as State forests, for experimental, demonstration,
19 educational, park, and protection purposes, using for such purposes any special
20 appropriations or funds available. The State Department of Natural Resources and
21 Community Development shall also have the power to acquire by condemnation under
22 the provisions of Chapter 40, such areas of land in different sections of the State as may
23 in the opinion of the Department of Natural Resources and Community Development be

1 necessary for the purpose of establishing and/or developing State forests, State parks
2 and other areas and developments essential to the effective operation of the State
3 forestry and State park activities with which the Department of Natural Resources and
4 Community Development has been or may be entrusted. Such condemnation
5 proceedings shall be instituted and prosecuted in the name of the State of North
6 Carolina, and any property so acquired shall be administered, developed and used for
7 experiment and demonstration in forest management, for public recreation and for such
8 other purposes authorized or required by law: Provided, that before any action or
9 proceeding under this section can be exercised, the approval of the Governor and
10 Council of State shall be obtained and filed with the clerk of the superior court in the
11 county or counties where such property may be situate, and until such approval is
12 obtained, the rights and powers conferred by this section shall not be exercised. The
13 Attorney General of the State is directed to see that all deeds to the State for land
14 mentioned in this section are properly executed before the gift is accepted or payment of
15 the purchase money is made.

16 The Department of Natural Resources and Community Development is further
17 authorized and empowered to accept as gifts to the State of North Carolina such forest
18 and submarginal farmland acquired by said federal government as may be suitable for
19 the purpose of creating and maintaining State-controlled forests, game refuges, public
20 shooting grounds, State parks, State lakes, and other recreational areas, or to enter into
21 longtime leases with the federal government for such areas and administer them with
22 such funds as may be secured from their administration in the best interest of longtime
23 public use, supplemented by such necessary appropriations as may be made by the
24 General Assembly. The Department of Natural Resources and Community
25 Development is further empowered to segregate State hunting and fishing licenses, use
26 permits, and concessions and other proper revenue secured through the administration
27 of such forests, game refuges, public shooting grounds, State parks, State lakes, and
28 other recreational areas to be deposited in the State treasury to the credit of the
29 Department to be used for the administration of these areas.

30 The Department of Natural Resources and Community Development, with the
31 approval of the Governor and Council of State, is further authorized and empowered to
32 enter into leases of lands and waters for State parks, State lakes and recreational
33 purposes; and the State Department of Natural Resources and Community Development
34 may construct, operate and maintain on said lands and waters suitable public service
35 facilities and conveniences and may charge and collect reasonable fees for

- 36 (1) The erection, maintenance and use of docks, piers and such other
37 structures as may be permitted in or on said waters under its own
38 regulations;
- 39 (2) Fishing privileges in said waters, provided that such privileges shall be
40 extended only to holders of bona fide North Carolina fishing licenses,
41 and provided further that all State fishing laws and rules are complied
42 with.

43 Notwithstanding any other provision of law, the fees collected under this section for
44 State parks shall be in addition to the appropriations to the Department of Natural

1 Resources and Community Development and shall not revert to the State Treasury to
2 the credit of the General Fund, but shall remain in the budget of the park that collected
3 the fee.

4 The Department of Natural Resources and Community Development may make
5 reasonable rules for the operation and use of boats or other craft on the surface of the
6 said waters but shall not be authorized to charge or collect fees for such operation or
7 use.

8 The Department may make reasonable rules for the regulation of the use by the
9 public of said lands and waters and of public service facilities and conveniences
10 constructed thereon, and said rules shall have the force and effect of law and any
11 violation of such rules shall constitute a misdemeanor and shall be punishable by a fine
12 of not more than fifty dollars (\$50.00) or imprisonment of not more than 30 days.

13 The authority herein granted is in addition to other authority now held and exercised
14 by the Department of Natural Resources and Community Development."

15 Sec. 2. G.S. 113-35 reads as rewritten:

16 "**§ 113-35. State timber may be sold by Department of Natural Resources and**
17 **Community Development; forest nurseries; control over parks, etc.;**
18 **operation of public service facilities; concessions to private concerns;**
19 **parks fees.**

20 Timber and other products of such State forestlands may be sold, cut and removed
21 under rules of the Department of Natural Resources and Community Development. The
22 Department shall have authority to establish and operate forest tree nurseries and forest
23 tree seed orchards. Forest tree seedlings and seed from these nurseries and seed orchards
24 may be sold to landowners of the State for purposes of forestation under rules of the
25 Department of Natural Resources and Community Development. When the Secretary of
26 Natural Resources and Community Development determines that a surplus of seedlings
27 or seed exists, this surplus may be sold, and such sale shall be in conformity with the
28 following priority of sale: first, to agencies of the federal government for planting in the
29 State of North Carolina; second, to commercial nurseries and nurserymen within this
30 State; and third, without distinction, to federal agencies, to other states, and to
31 recognized research organizations for planting either within or outside of this State. The
32 Department shall make reasonable rules for the regulation of the use by the public of
33 such and all State forests, State parks, State lakes, game refuges and public shooting
34 grounds under its charge, which rules, after having been posted in conspicuous places
35 on and adjacent to such properties of the State and at the courthouse of the county or
36 counties in which such properties are situated shall have the force and effect of law and
37 any violation of such rules shall constitute a misdemeanor and shall be punishable by a
38 fine of not more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30
39 days.

40 The Department may construct and operate within the State forests, State parks,
41 State lakes and any other areas under its charge suitable public service facilities and
42 conveniences, and may charge and collect reasonable fees for the use of same; it may
43 also charge and collect reasonable fees for:

- 1 (1) The erection, maintenance and use of docks, piers and such other
2 structures as may be permitted in or on State lakes under its own
3 regulations;
4 (2) Hunting privileges on State forests and fishing privileges in State
5 forests, State parks and State lakes, provided that such privileges shall
6 be extended only to holders of bona fide North Carolina hunting and
7 fishing licenses, and provided further that all State game and fish laws
8 are complied with.

9 Notwithstanding any other provision of law, the fees collected under this section for
10 State parks shall be in addition to the appropriations to the Department of Natural
11 Resources and Community Development and shall not revert to the State Treasury to
12 the credit of the General Fund, but shall remain in the budget of the park that collected
13 the fee.

14 The Department of Natural Resources and Community Development may make
15 reasonable rules for the operation and use of boats or other craft on the surface of the
16 said waters but shall not be authorized to charge or collect fees for such operation or
17 use.

18 The Department may also grant to private individuals or companies concessions for
19 operation of public service facilities for such periods and upon such conditions as the
20 Department of Natural Resources and Community Development shall deem to be in the
21 public interest. The department may make reasonable rules for the regulations
22 [regulation] of the use by the public of the public service facilities and conveniences
23 herein authorized, which rules shall have the force and effect of law, and any violation
24 of such rules shall constitute a misdemeanor and shall be punishable by a fine of not
25 more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30 days."

26 Sec. 3. This act shall become effective July 1, 1989.