



# SENATE BILL 140: Revise State Nature and Historic Preserve.

2017-2018 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	March 29, 2017
<b>Introduced by:</b>	Sen. Hise	<b>Prepared by:</b>	Jennifer McGinnis
<b>Analysis of:</b>	First Edition		Legislative Analyst

**OVERVIEW:** *Senate Bill 140 would remove a parcel in Chimney Rock State Park from the State Nature and Historic Preserve (Preserve).*

**CURRENT LAW:** Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 113-44.14 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. G.S. 143-260.10 lists the current components of the Preserve.

**BACKGROUND:** Properties were last accepted into the Preserve in 2014. Since that time over 7,900 acres have been added to the North Carolina Park System. The Council of State is scheduled to meet on April 4, 2017 to petition the General Assembly to accept into the Preserve various State parklands and historic sites. The petition is slated to also include a request to delete certain parcels from dedication in the Preserve for various reasons (in order to improve the management of units, allow for existing road relocations, allow for utility easements and cell towers, etc).

**BILL ANALYSIS:** The bill would except from dedication and/or delete from the Preserve a parcel in Chimney Rock State Park on which an existing communications tower is present. When this property was originally acquired by the State, the communications tower site was under lease for use by the State Highway Patrol and UNC-TV. The lease has expired, but an interagency agreement has been executed to allow the State Highway Patrol and UNC-TV to continue use the parcel in question for a communications tower, however, the tower subject to the former lease is in need of replacement, thus it will be replaced with a new tower in a location with easier road access, less visual impact, and less overall impact on the Park. As communication towers and tower sites are not public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, and the applicable provisions of the General Statutes that govern properties in the Preserve, this tract must be deleted.

**EFFECTIVE DATE:** This bill would be effective when it becomes law.

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