

2001

**HOUSE
CULTURAL RESOURCES**

MINUTES

**HOUSE COMMITTEE ON
CULTURAL RESOURCES**

2001-2002 SESSION

COMMITTEE CHAIR

Representative Daniel W. Barefoot

COMMITTEE VICE CHAIR

Representative Alma S. Adams

STAFF

George Givens, Research

COMMITTEE ASSISTANT

Jackie U. Pittman

NORTH CAROLINA GENERAL ASSEMBLY

**CULTURAL RESOURCES
2001 – 2002 SESSION**



**Rep. Barefoot
Chair**



**Rep. Adams
Vice-Chair**



Rep. Buchanan



Rep. McLawhorn



Rep. Miner



Rep. Mitchell



Rep. Morgan



Rep. Womble

HOUSE COMMITTEE ON CULTURAL RESOURCES
2001 - 2002 Session

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
BAREFOOT, Daniel W. Chair	Jackie Pittman Committee Assistant	715-3021	416B	72
ADAMS, Alma Vice-Chair	Rhonda Towns	733-5902	542	67
BUCHANAN, Charles	Glenda Jones	733-5825	536	18
McLAWHORN, Marian	Susan Burleson	715-3017	417B	34
MINER, David	Susan Phillips	733-5861	1006	76
MITCHELL, Frank	Susan West	733-5931	513	101
MORGAN, Richard	Dixie Epps	715-3010	418B	64
WOMBLE, Larry	Dorothy McLean	733-5777	537	56

Ex-Officios:

HACKNEY, Joe	Emily Reynolds	733-5752	2207	69
BADDOUR, Philip	Elizabeth Kirkland	715-0850	2301	31
DEDMON, Andy	Donna Abu Harb	733-5732	2213	12
EARLE, Beverly	Ann Raeford	733-5747	535	95
CUNNINGHAM, Pete	Valerie Rustin	733-5778	541	7

Committee Counsel:

George Givens, Research Division 733-2578

HOUSE COMMITTEE ON CULTURAL RESOURCES

2001-2002 SESSION

[illegible]

North Carolina General Assembly
Through House Committee on
Cultural Resources

Date: 10/16/2001
Time: 14:55
Page: 001 of 001
Leg. Day: H-150/S-149

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0092=	Jeffus	INCREASE NONRESIDENT SEARCH FEE.	*H Ref To Com On Finance	02-20-01	03-12-01
366=	Barefoot	ARTWORK CONSERVATION FEES.	*H Re-ref Com On Finance	03-01-01	03-26-01
H0424	Adams	DCR ADMISSION FEES.	*H Re-ref Com On Finance	03-01-01	03-26-01
\$ H0763	Cole	CHINQUA-PENN PLANTATION TRANSFER/ FUNDS.	*H Assigned To Appropriations Subcommittee on General Government	05-01-01	05-09-01
H1271	Haire	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION	*H Re-ref Com On Rules, Calendar, and Operations of the House	05-02-01	08-02-01
S0347	Tony Rand	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	*H Re-ref Com On Rules, Calendar, and Operations of the House	04-26-01	05-09-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

AGENDA

HOUSE COMMITTEE ON CULTURAL RESOURCES

**March 7, 2001
Room 415 LOB
12:00 Noon**

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HOUSE BILL 92 – REPRESENTATIVE JEFFUS**
- V. PRESENTATION BY HONORABLE LIBBA EVANS
SECRETARY OF CULTURAL RESOURCES**
- VI. COMMENTS**
- VII. ADJOURN**

HOUSE COMMITTEE ON CULTURAL RESOURCES

March 7, 2001

12:00 Noon

Minutes

The House Committee on Cultural Resources met in Room 415 of the Legislative Office Building on March 7, 2001 at 12:00 noon. Representative Barefoot, Chairman, presided at the meeting and the following members were present: Representatives Adams, Buchanan, McLawhorn, Mitchell, Morgan and Womble. The Visitor Registration sheet denotes visitors, (Attachment 1).

The Chairman introduced the Pages and Staff member, Mr. George Givens, General Research Division of the General Assembly. He then recognized the members and asked each to tell a little about themselves and what they would like to see happening in Cultural Resources.

Representative Barefoot pointed out that over the past few years, as we've had budgetary problems, Cultural Resources has been the whipping boy of the budget. What we have spent for cultural resources is really a drop in the bucket of the total picture of North Carolina ... it does so much good for all the people in North Carolina. If we can't instill pride in our citizens (we have 8.2 million people living here) in their past and their great heritage, then how are we going to hope that they are going to look forward to their future to try to build an even better North Carolina? We are going to do all we can to try to help cultural resources.

Chairman Barefoot then introduced the following guests from the Department of Cultural Resources: Ms. Donna Rosefield, Ms. Kathy Morris, Mr. Jeff Crow, and Ms. Betsy Buford, Deputy Secretary of the Department of Cultural Resources. They each told us about the divisions they represent.

The chairman informed the committee that our new Secretary of Cultural Resources, Ms. Libba Evans, was scheduled to be with us today but she has an eminent death in her family and she has gone to South Carolina. We will reschedule her to make a presentation as soon as possible.

Representative Jeffus was recognized by Chairman Barefoot to present **House Bill 92 - A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF ARCHIVED PUBLIC RECORDS**, (Attachment II). She stated that the bill was an outgrowth of an LRC Committee (one of our recommendations) on the Digitization of Public Records by State Archives recommending that you be allowed to raise the fees for nonresidents for searches of archived public records - for any kind of archival information. Presently the fees have recently been raised to \$10.00. A law was established back in the 1920's to start out as a

Minutes
March 7, 2001
Page 2

\$2.00 service fee and has not been raised steadily. She pointed out that residents of North Carolina do not have to pay search fees. This bill would be for nonresidents.

A summary prepared by Mr. George Givens, Committee Council and fiscal note prepared by Richard Bostic are included in the attachments, (Attachment IIIa and Attachment IIIb).

Representative Buchanan and Representative Adams offered an amendment that reflects changes on page 1, lines 20 through 24 by rewriting those lines, (Attachment IV).

Mr. Givens, committee counsel, explained that the basic effect of Section 2 is to change the effective date when it is passed to be 1 July 2001.

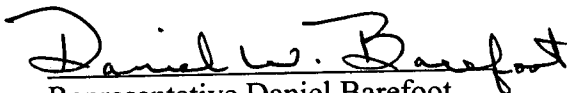
Representative Buchanan moved for the adoption of the amendment. The motion passed and the amendment was adopted, (Attachment V).


Representative Buchanan then moved that the amendment be rolled into a committee substitute, with a favorable report to committee substitute and unfavorable to original bill and the committee substitute be re-referred to Committee on Finance, (Attachment VI).

A copy of the committee substitute is attached, (Attachment VII).

There being no further business, the meeting adjourned at 12:25 p.m.

Respectfully submitted,


Representative Daniel Barefoot
Chairman


Jackie Pittman
Committee Assistant

HOUSE CULTURAL RESOURCES

Name of Committee

March 7, 2001

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 92*

Short Title: Increase Nonresident Search Fee.

(Public)

Sponsors: Representatives Jeffus, Barefoot (Primary Sponsors); and Wainwright.

Referred to: Rules, Calendar, and Operations of the House.

February 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO
INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF
ARCHIVED PUBLIC RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 121-5(d) reads as rewritten:

“(d) Preservation of Permanently Valuable Records. – Public records certified by the Department of Cultural Resources as being of permanent value shall be preserved in the custody of the agency in which the records are normally kept or of the North Carolina State Archives. Any State, county, municipal, or other public official is hereby authorized and empowered to turn over to the Department of Cultural Resources any State, county, municipal, or other public records no longer in current official use, and the Department of Cultural Resources is authorized in its discretion to accept such records, and having done so shall provide for their administration and preservation in the North Carolina State Archives. When such records have been thus surrendered, photocopies, microfilms, typescripts, or other copies of them shall be made and certified under seal of the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department of Cultural Resources; and the Department may charge reasonable fees for such copies. The Department may answer written inquiries for nonresidents of North Carolina and for such service charge a search and handling fee not to exceed ~~ten dollars (\$10.00)~~, twenty-five dollars (\$25.00), the receipts from which fee shall be used to defray the cost of providing such service.”

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 92: Increase Nonresident Search Fee

BILL ANALYSIS

Committee: House Cultural Resources
Date: March 7, 2001
Version: First Edition

Introduced by: Representatives Jeffus and Barefoot
Summary by: George Givens
 Committee Counsel

SUMMARY: *House Bill 92 would increase the maximum fee charged by the Department of Cultural Resources from ten dollars (\$10.00) to twenty-five dollars (\$25.00) for searches of archived public records by nonresidents of North Carolina. The act is effective when it becomes law.*

CURRENT LAW: Under G.S. 121-5(d), the Department of Cultural Resources may charge a search and handling fee not to exceed ten dollars (\$10.00) as a service charge for answering written inquiries for nonresidents of North Carolina. Residents of North Carolina are not charged a search fee for this service.

BILL ANALYSIS: House Bill 92 is a recommendation of the Legislative Research Commission Committee on the Digitization of Public Records by State Archives. A companion bill, Senate Bill 187, was introduced by Senator Kinnaird and is currently in the Senate Finance Committee. The Bill proposes to increase the maximum fee that the Department of Cultural Resources may charge for answering written inquiries for nonresidents of North Carolina from ten dollars (\$10.00) to twenty-five dollars (\$25.00) when conducting searches of records kept in the North Carolina State Archives.

The Legislative Research Commission's Committee on the Digitization of Public Records reviewed the search fees charged by other southeastern states and found that the fees ranged from twenty dollars (\$20.00) to twenty-five dollars (\$25.00). The Committee then recommended increasing the maximum rate for non-resident search fees up to twenty-five dollars (\$25.00). The fee increase is intended to provide additional funds to defray expanding costs for services, while allowing the search fee in North Carolina to remain competitive with fees from other southeastern states.

Under the rules of the House of Representatives, if the Committee gives this bill a favorable report, the bill is required to be re-referred to the House Committee on Finance.

BACKGROUND: Section 1 of Chapter 361 of the 1979 Session Laws established the maximum fee of ten dollars (\$10.00) that may be charged for answering nonresident written inquiries. The search and handling fee is intended to defray the cost to taxpayers of North Carolina in rendering this service to nonresidents. While the maximum allowable fee for nonresidents has remained unchanged since the act became law, the actual fee charged has increased from two dollars (\$2.00) in 1979 to ten dollars (\$10.00) currently. The Administrative Office of the North Carolina Division of Archives and History has modified the amount of the search fee over time. Residents of North Carolina are not charged a fee for searches of archived records. A fee for a search of archived records by North Carolina residents is not authorized by law.

Note: *Establishment of a fee amount constitutes a rule under the Administrative Procedures Act (APA) (G.S. 150B-2(8a)). Although the Department of Cultural Resources is authorized to change this fee, the fee has not been set in compliance with the APA.*

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 92 (Second Edition)

SHORT TITLE: Increase Nonresident Search Fee

SPONSOR(S): Representatives Jeffus, Barefoot, and Wainwright

FISCAL IMPACT

Yes (X)	No ()	No Estimate Available ()
---------	--------	---------------------------

<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
-------------------	-------------------	-------------------	-------------------	-------------------

REVENUES

General Fund

Departmental Receipt

See ASSUMPTIONS AND METHODOLOGY

EXPENDITURES

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Cultural Resources – Division of Archives and History

EFFECTIVE DATE: This act is effective on July 1, 2001.

BILL SUMMARY: The bill allows the Department of Cultural Resources to increase the fee charged nonresidents for searches of archived public records from a maximum of \$10 to a maximum of \$25.

BACKGROUND: This bill was a recommendation of the Legislative Research Commission's Committee on Digitization of Public Records by State Archives. The Committee requested the fee increase to "provide additional funds to defray expanding cost for services, yet allow the search fee in North Carolina to remain competitive with fees in other Southeastern states." The Committee found the following nonresident search fees in the Southeastern states:

Alabama \$20

Florida 0

Georgia \$25

Kentucky \$12

Maryland \$8

Mississippi \$15

South Carolina None

Tennessee \$3 to \$5

Virginia \$20

ASSUMPTIONS AND METHODOLOGY: Based on past revenue collections from nonresident search requests, a fee increase from \$10 to \$25 could generate an additional \$67,500 in revenue. However, the Division of Archives and History has stated that it has no immediate plans to increase the nonresident search fee. Current revenues from the \$10 fee are sufficient to cover the cost of a 32 hour per week Processing Assistant IV position (pay grade 59) that copies requested records and handles correspondence. The previous \$8 nonresident search fee raised an average of \$35,832 per year from FY 1997-98 to FY 1999-00. The average number of searches in that period was 4,479 per year. The Division of Archives and History anticipates their annual number of nonresident searches to continue at 4,500 per year. At \$10 per search, the agency will receive \$45,000 each year. If increased to the maximum \$25 allowed in this bill, the agency would receive \$112,500. If the fee were increased, the agency believes demand for services would not decline.

TECHNICAL CONSIDERATIONS:

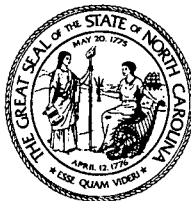
FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Richard Bostic

APPROVED BY: James D. Johnson

A handwritten signature in black ink, appearing to read "James D. Johnson", is written over the printed name.

DATE: March 19, 2001



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 92*

H92-ART-1 [v.0]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date 7 March, 2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Adams & Buchanan

- 1 moves to amend the bill on page 1, lines 20 through 24,
- 2 by rewriting those lines to read:
- 3
- 4 "charge reasonable fees for ~~such~~ these copies. The Department may answer written
- 5 inquiries for nonresidents of ~~North Carolina~~ the State and for ~~such~~ this service may
- 6 charge a search and handling fee not to exceed ~~ten dollars (\$10.00)~~, twenty-five dollars
- 7 (\$25.00). ~~the~~ The receipts from ~~which~~ this fee shall be used to defray the cost of
- 8 providing ~~such~~ this service.'

9 **SECTION 2.** This act becomes effective 1 July 2001."

SIGNED [Signature] [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED in committee FAILED _____ TABLED _____
7 March 2001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 92*
PROPOSED COMMITTEE SUBSTITUTE H92*-PCS3163-RT-1

Short Title: Increase Nonresident Search Fee.

(Public)

Sponsors:

Referred to:

February 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO
INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF
ARCHIVED PUBLIC RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 121-5(d) reads as rewritten:

"(d) Preservation of Permanently Valuable Records. -- Public records certified by the Department of Cultural Resources as being of permanent value shall be preserved in the custody of the agency in which the records are normally kept or of the North Carolina State Archives. Any State, county, municipal, or other public official is hereby authorized and empowered to turn over to the Department of Cultural Resources any State, county, municipal, or other public records no longer in current official use, and the Department of Cultural Resources is authorized in its discretion to accept such records, and having done so shall provide for their administration and preservation in the North Carolina State Archives. When such records have been thus surrendered, photocopies, microfilms, typescripts, or other copies of them shall be made and certified under seal of the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department of Cultural Resources; and the Department may charge reasonable fees for ~~such~~ these copies. The Department may answer written inquiries for nonresidents of ~~North Carolina~~ the State and for ~~such~~ this service ~~may~~ charge a search and handling fee not to exceed ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00). ~~the~~ The receipts from ~~which~~ this fee shall be used to defray the cost of providing ~~such~~ this service."

SECTION 2. This act becomes effective 1 July 2001.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **BAREFOOT** (Chair) for the Committee on **CULTURAL RESOURCES**.

-
- ☐ Committee Substitute for
H.B. 92 A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF ARCHIVED PUBLIC RECORDS.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

Jackie Pittman (Rep. Barefoot)

From: Jackie Pittman (Rep. Barefoot)
Sent: Friday, March 02, 2001 12:27 PM
Subject: Cultural Resources Meeting Notice

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION**

You are hereby notified that the Committee on **CULTURAL RESOURCES** will meet as follows:

DAY & DATE: **Wednesday, March 7, 2001**

TIME: **12:00 Noon**

LOCATION: **Room 415 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 92 - INCREASE NONRESIDENT SEARCH FEE

Representatives Jeffus and Barefoot, Sponsors

Respectfully,

Representative Barefoot
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at **1:00 p.m.** on **March 2, 2001.**

___ Principal Clerk
___ Reading Clerk - House Chamber

Jackie Pittman (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON CULTURAL RESOURCES

**March 21, 2001
Room 415 LOB
12:00 Noon**

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HB 366- ARTWORK CONSERVATION FEES-AB
Representative Barefoot**
- V. HB 424 DCR ADMISSION FEES-AB
Representative Adams**
- VI. COMMENTS**
- V. ADJOURN**

MINUTES

HOUSE COMMITTEE ON CULTURAL RESOURCES MARCH 21, 2001

The House Committee on Cultural Resources met on Wednesday March 21, 2001 at 12:00 p.m. in Room 415 of the Legislative Office Building, Raleigh. Members present were Representatives Barefoot, Chair; Representative Adams, Vice Chair; and Representatives Buchanan, McLawhorn, and Womble. The Visitor Registration Sheet is attached.

Representative Barefoot called the meeting to order and introduced the pages serving the committee; Brandon Walker of Wilkes County, sponsored by Representative Walker, and Nolan Caudill of Wilkes County sponsored by Representative Walker. Representative Adams was then called to preside.

House Bill 366, **Artwork Conservation Fees-AB**, sponsored by Representative Barefoot was the first bill before the committee. He explained that it is an agency bill recommended by the Department of Cultural Resources. The bill establishes a reasonable fee that the Museum of Art's conservation lab can charge when providing conservation treatments on privately owned works of art.

Representative Buchanan questioned if the fees were already set and was told they will be sent to the Secretary of Cultural Resources to determine the amount of the fee.

Libba Evans, The Secretary of Cultural Resources, explained it depends on what kind of conservation work needs to be done. She and a representative from the Museum of Art explained the Museum has always had this program for publicly owned works of art, but the bill would provide a provision from the state allowing the program to continue and include private art donors. The bill would revise the Umstead Act, which has prevented the museum from charging private owners. It was recommended that the word fees be taken out of the bill in order to avoid ambiguity that it places in the bill.

Representative Womble presented a proposed committee substitute and moved for its adoption, motion carried. After discussion, the bill was given a favorable report as to committee substitute, unfavorable as to the original bill, which changed the title and recommended that it be re-referred to the Committee on Finance.

House Bill 424, **DCR Admission Fees-AB**, was before the Committee for consideration, Representative Barefoot presiding. Representative Adams, bill sponsor, was recognized to explain the bill. She explained that the bill allows the Department of Cultural Resources to charge an admission fee to any museum, historic property, or other location or event administered under their jurisdiction.

Representative Buchanan presented a proposed committee substitute and moved for its adoption, motion carried. The committee substitute made technical changes only.

Libba Evans, Secretary of the Department of Cultural Resources, explained some North Carolina museums already have exceptions to the law and are able to charge for certain exhibits, and the bill would encompass all sites in the provision. This would allow the Department of Cultural Resources to make the decision about charging for admission.


Representative McLawhorn questioned if the money collected by a specific site would be returned to benefit that site, and was told it would. Secretary Evans explained that this bill would not affect any federal sites. It would affect twenty-five state historical sites plus the museums under the department's jurisdiction.

Representative Womble questioned why some sites are already able to charge. Secretary Evans explained that it was a law that citizens cannot be charged for state property, but some sites had already been granted exceptions to that law. Representative Womble questioned if public school groups would be exempt from charges. Secretary Evans answered that the department would make that a policy, and also include the elderly and indigent.

Representative Barefoot asked how the Department's previous budget would differ from the governor's proposed budget. Secretary Evans said the previous budget was \$99 million, and the governor's proposed budget would include less than \$61 million.

Representative Buchanan moved for a favorable report to the committee substitute, unfavorable to original bill, and recommended that the bill be re-referred to the committee on Finance. Motion carried.

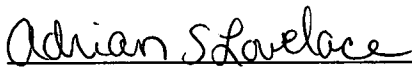
The meeting was adjourned at 12:35 p.m.



Representative Barefoot
Presiding Committee Chair



Jackie Pittman
Committee Assistant



Adrian Lovelace
Transcribing Committee Assistant

Attachments:

Agenda
Visitor Registration Sheet
House Bill 366 and Bill Summary
House Bill 366 Committee Report
House Bill 424 and Bill Summary
House Bill 424 Committee Substitute
House Bill 424 Committee Report

AGENDA

HOUSE COMMITTEE ON CULTURAL RESOURCES

**March 21, 2001
Room 415 LOB
12:00 Noon**

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HB 366- ARTWORK CONSERVATION FEES-AB**
Representative Barefoot
- V. HB 424 DCR ADMISSION FEES-AB**
Representative Adams
- VI. COMMENTS**
- V. ADJOURN**

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 366*

Short Title: Artwork Conservation Fees-AB.

(Public)

Sponsors: Representatives Barefoot; and Alexander.

Referred to: Cultural Resources, if favorable, Finance.

March 1, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S
CONSERVATION LAB TO PERFORM CONSERVATION TREATMENTS ON
PRIVATELY OWNED WORKS OF ART AND TO CHARGE A FEE FOR THIS
SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58(c) is amended by adding a new subdivision to read:

(c) The provisions of subsection (a) shall not prohibit:

...

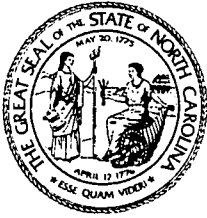
(19) The performance of conservation treatment services on privately
owned works of art by the North Carolina Museum of Art's
Conservation Lab."

SECTION 2. Article 1 of Chapter 140 of the General Statutes is amended by
adding a new section to read:

"§ 140-5.18. Conservation treatment fees.

The North Carolina Museum of Art's Conservation Lab may perform conservation
treatments on privately owned works of art and may charge a fee for this service. Fees
collected under this section are receipts of the North Carolina Museum of Art and shall
be used by the North Carolina Museum of Art Foundation to support the Foundation's
personnel. The Department shall provide an annual report on the use of fees collected
pursuant to this section to the Office of State Budget, Planning, and Management and to
the Fiscal Research Division of the Legislative Services Office."

SECTION 3. This act becomes effective July 1, 2001.



HOUSE BILL 366: Artwork Conservation Fees - AB

BILL ANALYSIS

Committee: House Cultural Resources
Date: March 21, 2001
Version: First Edition

Introduced by: Representatives Barefoot and Alexander
Summary by: George Givens
Committee Counsel

SUMMARY: *House Bill 366 would exempt the North Carolina Museum of Art's Conservation Lab from the Umstead Act, allowing it to perform conservation treatments on privately owned works of art and to charge a fee for these services. The act would become effective July 1, 2001.*

CURRENT LAW: G.S. 66-58, commonly referred to as the Umstead Act, prohibits the sale of merchandise or services by governmental units, to prevent competition with private enterprise. Numerous exceptions have been made to the Umstead Act, but none currently allow the North Carolina Museum of Art's Conservation Lab (Conservation Lab) to provide its services to private parties. The Conservation Lab currently provides conservation treatments only for publicly owned artwork held, for example, by other museums.

BILL ANALYSIS: House Bill 366 proposes to create an exception to the Umstead Act and allow the Conservation Lab to perform conservation treatments on privately owned works of art. The bill would also allow the Conservation Lab to charge a fee for its services and for the fees to be collected as receipts of the North Carolina Museum of Art (Museum). The collected fees would then be used by the Museum Foundation to support the Foundation's personnel.

Museum personnel state that the Museum does not intend to provide conservation treatment to all requesters. The Museum will provide these services only when doing so would further the overall mission of the Museum. Examples of instances when the Museum would provide this service include when the Museum has reason to believe that the work of art may be acquired by the Museum at a later date, and when the conservation treatment would provide Museum personnel with experience in dealing with a particular conservation problem that may be faced on a work held by the Museum.

As drafted, the bill provides no guidelines for the procedures to be used in setting fees. Museum personnel state that the fee would be determined on a case-by-case basis depending on the extent of the work to be performed, and that the fee would not exceed (but could be less than) the actual cost of the time and materials involved. The Museum of Art currently charges \$60.00 per hour for conservation treatment of publicly owned artwork.

The Department of Cultural Resources (Department) would also be required to submit an annual report on the use of the fees collected under the proposed rule to the Office of State Budget, Planning, and Management and to the Fiscal Research Division of the Legislative Services Office.

HOUSE BILL 366

Page 2

Under the rules of the House of Representatives, if the Committee gives this bill a favorable report, the bill is required to be re-referred to the House Committee on Finance.

BACKGROUND: House Bill 366 is a recommendation of the Department of Cultural Resources. A companion bill, Senate Bill 302, was introduced by Senator Kerr and is currently in the Senate Finance Committee. According to the Department, the bill is intended to allow the Conservation lab to provide a public service by helping to preserve and maintain works of art having public value but owned by private parties. Establishing a fee would help offset the costs of providing these services. In addition, the Department feels that performing these services would provide public relations opportunities, training opportunities for Conservation Lab staff, and educational outreach opportunities.

The act would become effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 366*
PROPOSED COMMITTEE SUBSTITUTE H366*-PCS3241-RT-3 [v.1]

Short Title: Artwork Conservation Fees-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S
CONSERVATION LAB TO PERFORM CONSERVATION TREATMENTS ON
PRIVATELY OWNED WORKS OF ART AND TO CHARGE FOR THIS
SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58(c) is amended by adding a new subdivision to read:

"(c) The provisions of subsection (a) shall not prohibit:

...

(19) The performance of conservation treatment services on privately
owned works of art by the North Carolina Museum of Art's
Conservation Lab."

SECTION 2. Article 1 of Chapter 140 of the General Statutes is amended by
adding a new section to read:

"§ 140-5.18. Conservation treatment of privately owned works of art.

The North Carolina Museum of Art's Conservation Lab may perform conservation
treatments on privately owned works of art and may charge for this service. Monies-
collected under this section are receipts of the North Carolina Museum of Art and shall
be used by the North Carolina Museum of Art Foundation to support the Foundation's
personnel. The Department shall provide an annual report on the use of monies
collected pursuant to this section to the Office of State Budget, Planning, and
Management and to the Fiscal Research Division of the Legislative Services Office."

SECTION 3. This act becomes effective 1 July 2001.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

ATTACHMENT #4

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Barefoot** (Chair/Chairs) for the Committee on **CULTURAL
RESOURCES**.

☐ Committee Substitute for

H.B. 366 A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA
MUSEUM OF ART'S CONSERVATION LAB TO PERFORM CONSERVATION
TREATMENTS ON PRIVATELY OWNED WORKS OF ART AND TO CHARGE A FEE
FOR THIS SERVICE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill, which changes the title, unfavorable
as to original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on *FINANCE*.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 424*

Short Title: DCR Admission Fees-AB.

(Public)

Sponsors: Representatives Adams; and Jeffus.

Referred to: Cultural Resources, if favorable Finance.

March 1, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE DEPARTMENT OF CULTURAL RESOURCES TO
CHARGE AN ADMISSION FEE TO ANY MUSEUM, HISTORIC PROPERTY,
OR OTHER LOCATION OR EVENT ADMINISTERED BY THE
DEPARTMENT.

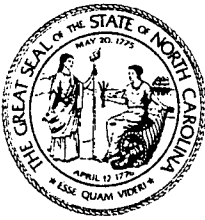
The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 143B of the General Statutes is amended
by adding a new section to read:

"§ 143B-53.1. Admission fees.

In addition to powers granted pursuant to Article 1 of Chapter 121 of the General Statutes or any other general law, the Department of Cultural Resources may charge an admission fee to any museum, historic property, or other location or event administered by the Department. Admission fees collected under this section are receipts of the Department and shall be deposited in a nonreverting account. The Department shall retain unbudgeted receipts at the end of each fiscal year, beginning June 30, 2001, and shall deposit these receipts into the account. Funds in the account shall be used for maintenance, repairs, renovations, and any other purpose deemed necessary by the Secretary of Cultural Resources. The Secretary may adopt rules necessary to carry out the provisions of this section. The Department shall provide an annual report on the use of fees collected pursuant to this section to the Office of State Budget, Planning, and Management and to the Fiscal Research Division of the Legislative Services Office."

SECTION 2. This act becomes effective June 30, 2001.



HOUSE BILL 424: DCR Admissions Fees-AB

BILL ANALYSIS

Committee: House Cultural Resources
Date: March 21, 2001
Version: First Edition

Introduced by: Representatives Barefoot and Alexander
Summary by: George Givens
Committee Counsel

SUMMARY: *House Bill 424 proposes to allow the North Carolina Department of Cultural Resources to charge an admission fee to any museum, historic property, or other location or event administered by the Department. Fees collected under the proposed bill would be deposited in a nonreverting account and used for purposes deemed necessary by the Secretary of Cultural Resources. The bill would grant rule-making authority to the Secretary in order to carry out the provisions of the bill and would also establish annual reporting requirements. The bill would become effective June 30, 2001.*

CURRENT LAW: Under G.S. 121-8, the Department of Cultural Resources may charge reasonable fees for admission to properties acquired by the State that have statewide historical, architectural, archeological, or other cultural significance. Admission fees are currently charged at several Historic Sites, with fees established through the administrative rule process.

BILL ANALYSIS: House Bill 424 is a recommendation of the Department of Cultural Resources (Department). The bill would add a new section to Article 2 of Chapter 143 of the General Statutes to grant the Department the authority to charge a fee for admission at any location or event administered by the Department. This would expand the current fee authority to include museums, such as the North Carolina Museum of Art and the North Carolina Museum of History, as well as events administered by the Department.

In addition, the bill would grant rule-making authority to implement the provisions of the bill (to set the fees) to the Secretary of the Department of Cultural Resources (Secretary). As drafted, the bill provides no guidance to the Secretary as to either the minimum or maximum amount of any fee to be charged. It appears that the Administrative Procedures Act (APA) would apply to setting these fees (see G.S. 150B-2(8a); definition of "rule"), although this may be unworkable with respect to fees charged for events.

Admission fees collected under the proposed bill would be treated as receipts of the Department and deposited in a nonreverting account. Funds in the account would be used for maintenance, repairs, and any other purpose deemed necessary by the Secretary. The Department would also be required to submit an annual report on the use of the fees collected under the proposed rule to the Office of State Budget, Planning, and Management and to the Fiscal Research Division of the Legislative Services Office.

Under the rules of the House of Representatives, if the Committee gives this bill a favorable report, the bill is required to be re-referred to the House Committee on Finance.

The act would become effective June 30, 2001, thus the nonreverting language would apply to the current fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 424*
PROPOSED COMMITTEE SUBSTITUTE H424*-PCS3236-RT-2

Short Title: Dept. of Cultural Resources Admissions Fees-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF CULTURAL RESOURCES TO
CHARGE AN ADMISSION FEE TO ANY MUSEUM, HISTORIC PROPERTY,
OR OTHER LOCATION OR EVENT ADMINISTERED BY THE
DEPARTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 143B of the General Statutes is amended
by adding a new section to read:

"§ 143B-53.1. Admissions fees.

(a) Admissions Fees Authorized. -- In addition to powers granted pursuant to Article 1 of Chapter 121 of the General Statutes, the Department of Cultural Resources may charge an admission fee to any museum, historic property, or other location or event administered by the Department. Admission fees collected under this section are receipts of the Department and shall be deposited in the Cultural Resources Account.

(b) Nonreverting Account. -- The Cultural Resources Account is established as a nonreverting account within the Department of Cultural Resources. The Department shall retain unbudgeted receipts and deposit these receipts into the Account. Funds in the Account shall be used for maintenance, repairs, renovations, and any other purpose deemed necessary by the Secretary of Cultural Resources.

(c) Rule Making. -- The Secretary of Cultural Resources may adopt rules necessary to carry out the provisions of this section.

(d) Annual Report. -- The Department of Cultural Resources shall provide an annual report on the use of fees collected pursuant to this section to the Office of State Budget, Planning, and Management and to the Fiscal Research Division of the Legislative Services Office."

SECTION 2. This act becomes effective 30 June 2001 and applies to unbudgeted receipts of the Department of Cultural Resources during the 2000-2001 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 424*
PROPOSED COMMITTEE SUBSTITUTE H424*-PCS3242-RT-4 [v.2]

Short Title: Dept. of Cultural Resources Admissions Fees-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF CULTURAL RESOURCES TO
CHARGE AN ADMISSION FEE TO ANY MUSEUM, HISTORIC PROPERTY,
OR OTHER LOCATION OR EVENT ADMINISTERED, BY THE
DEPARTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 143B of the General Statutes is amended
by adding a new section to read:

"§ 143B-53.1. Admissions fees.

(a) Admissions Fees Authorized. -- In addition to powers granted pursuant to
Article 1 of Chapter 121 of the General Statutes, the Department of Cultural Resources
may charge an admission fee to any museum, historic property, or other location or
event administered by the Department. Admission fees collected under this section are
receipts of the Department and shall be deposited in the Cultural Resources Account.

(b) Nonreverting Account. -- The Cultural Resources Account is established as a
nonreverting account within the Department of Cultural Resources. The Department
shall retain unbudgeted receipts and deposit these receipts into the Account. Funds in
the Account shall be used for maintenance, repairs, renovations, and any other purpose
deemed necessary by the Secretary of Cultural Resources.

(c) Rule Making. -- The Secretary of Cultural Resources may adopt rules
necessary to carry out the provisions of this section.

(d) Annual Report. -- The Department of Cultural Resources shall provide an
annual report on the use of fees collected pursuant to this section to the Office of State
Budget, Planning, and Management and to the Fiscal Research Division of the
Legislative Services Office."

SECTION 2. This act becomes effective 30 June 2001 and applies to
unbudgeted receipts of the Department of Cultural Resources beginning with the
2000-2001 fiscal year.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Barefoot**, Chair, for the Committee on **CULTURAL RESOURCES**.

- ☐ Committee Substitute for
H.B. 424 A BILL TO BE ENTITLED AN ACT ALLOWING THE DEPARTMENT OF
CULTURAL RESOURCES TO CHARGE AN ADMISSION FEE TO ANY MUSEUM,
HISTORIC PROPERTY, OR OTHER LOCATION OR EVENT ADMINISTERED BY THE
DEPARTMENT.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to committee substitute bill unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

HOUSE COMMITTEE ON CULTURAL RESOURCES

AGENDA

May 9, 2001
Room 415 LOB
12:00 Noon

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HB 763-ROCKINGHAM COUNTY LOCAL ACT**
Representative Cole, Sponsor
- V. SB 347- USE OF STATE PROP./BLOUNT ST. HISTORIC DISTRICT**
Senator Rand, Sponsor
- VI. COMMENTS**
- V. ADJOURNMENT**

MINUTES

HOUSE COMMITTEE ON CULTURAL RESOURCES MAY 9, 2001

The House Committee on Cultural Resources met on Wednesday May 9, 2001 at 12:00 p.m. in Room 415 of the Legislative Office Building. Members present were Representatives Barefoot, Chair; and Representatives Buchanan, McLawhorn, Mitchell, and Womble. Ex-Officio members present were Representatives Cunningham and Dedmon. The Visitor Registration Sheet is attached.

Representative Barefoot called the meeting to order and introduced the pages serving the committee; Andrew Wynn of Wake County, sponsored by Representative Miner, and Victoria Hull of Henderson County sponsored by Representative Justus.

House Bill 763, **Rockingham County Local Act**, sponsored by Representative Cole was the first bill before the committee. Representative Cunningham presented a proposed committee substitute and moved for its adoption, motion carried. Representative Cole explained that the committee substitute affected Rockingham County by transferring the Chinqua-Penn Plantation and appropriated funds to promote, manage, and maintain the plantation from the University of North Carolina System to the Department of Cultural Resources.

Representative McLawhorn questioned if the county would continue the marketing funding after its one time funding by the state. Dr. Jerry Owens, County Commissioner, explained that the county commissioners want to see Chinqua-Penn survive so the marketing will probably continue. Dr. Jeff Crow from the Department of Cultural Resources was recognized and explained that research needed to be done before transferring the site to the department. If it were transferred as a historical site it would have to be approved by the NC Historical Commission.

Representative Dedmon moved for a favorable report to the committee substitute, which changes the title, unfavorable report as to original bill, and recommended that the bill be re-referred to the committee on Appropriations, motion carried.


Senate Bill 347, **Use of State Property/Blunt Street Historic District**, was before the Committee for consideration. Representative Buchanan presented a proposed a House committee substitute and moved for its adoption, motion carried. Senator Rand, bill sponsor, was recognized to explain the bill. He explained that the bill is a means to preserve the older homes between the Governor's mansion and Peace College and states that the homes would be sold at a public sale in order to restore the district as a residential area. The homes have been used as business offices. The first \$10 million from the sale of the homes would be put in trust for the preservation of the Governor's mansion. He explained that the committee substitute excludes the Governor's guesthouse and the Polk house from the historic district.

Dr. Jeff Crow, State Historic Preservation Officer, distributed a handout (attachment #) and asked the committee to consider the visitor's center as another exception to the bill. He explained that if the visitor's center had to be moved, the question of where to move it and how it would be funded would be important. Senator Rand stated that there was no reason to exempt the visitor's center because there was no reason to move it until the state is able to build an adequate visitor's center. Dr. Crow discussed plans for a new visitor's center that had already been drawn up.

Myric Howard with Preservation of North Carolina discussed the value that privately owned property would bring to the downtown area. He compared private property that was well-cared for to property that was rented and not cared for.

Representative Buchanan moved to give the House committee substitute a favorable report, unfavorable to Senate committee substitute, motion carried.

The meeting was adjourned.


Representative Barefoot
Presiding Committee Chair


Jackie Pittman
Committee Assistant


Adrian Lovelace
Transcribing Committee Assistant

Attachments:

Agenda

Visitor Registration Sheet

House Bill 763 and Proposed Committee Substitute

House Bill 763 Committee Report

Senate Bill 347 and Bill Summary

Senate Bill 347 Committee Report

Friends of Polk Handout distributed by Polk Foundation Representative

State Capitol Visitor Totals distributed by Jeff Crow

HOUSE COMMITTEE ON CULTURAL RESOURCES

AGENDA

May 9, 2001
Room 415 LOB
12:00 Noon

- I. **CALL TO ORDER**
- II. **WELCOME**
- III. **INTRODUCTIONS**
- IV. **HB 763-ROCKINGHAM COUNTY LOCAL ACT**
Representative Cole, Sponsor
- V. **SB 347- USE OF STATE PROP./BLOUNT ST. HISTORIC DISTRICT**
Senator Rand, Sponsor
- VI. **COMMENTS**
- V. **ADJOURNMENT**

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 763

Short Title: Rockingham County Local Act. (Local)

Sponsors: Representative Cole.

Referred to: Rules, Calendar, and Operations of the House.

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to Rockingham County only.
5 SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 763
PROPOSED COMMITTEE SUBSTITUTE H763-PCS6279-LG-13

Short Title: Chinqua-Penn Plantation Transfer/Funds.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TRANSFERRING THE CHINQUA-PENN PLANTATION TO THE
DEPARTMENT OF CULTURAL RESOURCES AND APPROPRIATING FUNDS
TO PROMOTE, MANAGE, AND MAINTAIN THE CHINQUA-PENN
PLANTATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Chinqua-Penn Plantation in Rockingham County is
transferred from The University of North Carolina to the Department of Cultural
Resources. The transfer has all the elements of a Type I transfer as defined by G.S.
143A-6(a).

SECTION 1.(b) Friends of Chinqua-Penn funds on deposit with The
University of North Carolina shall be transferred to the Department of Cultural
Resources for use at the Chinqua-Penn Plantation at the discretion of the Chinqua-Penn
Foundation, Inc.

SECTION 2. There is appropriated from the General Fund to the Chinqua-
Penn Foundation, Inc., the sum of three hundred thousand dollars (\$300,000) for the
2001-2002 fiscal year to promote, manage, and maintain the Chinqua-Penn Plantation.

SECTION 3. This act becomes effective 1 July 2001.

file
*5-9-01 mtg.***2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Barefoot** (Chair) for the Committee on **CULTURAL RESOURCES**.

☐ Committee Substitute for

H.B. 763 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill, ☒ which changes the title, unfavorable as to original bill, (and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE BILL 763

PROPOSED COMMITTEE SUBSTITUTE H763-PCS6279-LG-13

Short Title: Chinqua-Penn Plantation Transfer/Funds.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TRANSFERRING THE CHINQUA-PENN PLANTATION TO THE
DEPARTMENT OF CULTURAL RESOURCES AND APPROPRIATING FUNDS
TO PROMOTE, MANAGE, AND MAINTAIN THE CHINQUA-PENN
PLANTATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Chinqua-Penn Plantation in Rockingham County is
transferred from The University of North Carolina to the Department of Cultural
Resources. The transfer has all the elements of a Type I transfer as defined by G.S.
143A-6(a).

SECTION 1.(b) Friends of Chinqua-Penn funds on deposit with The
University of North Carolina shall be transferred to the Department of Cultural
Resources for use at the Chinqua-Penn Plantation at the discretion of the Chinqua-Penn
Foundation, Inc.

SECTION 2. There is appropriated from the General Fund to the Chinqua-
Penn Foundation, Inc., the sum of three hundred thousand dollars (\$300,000) for the
2001-2002 fiscal year to promote, manage, and maintain the Chinqua-Penn Plantation.

SECTION 3. This act becomes effective 1 July 2001.

May 9, 2001
Cultural Resources
same
PCB

Rep. Cunningham moved
for adoption of PCB.
for discussion

Law PCB
unfavorable opinion
re-ref Approp's
title change

*Cultural Review
May 9, 2001*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 763

Short Title: Rockingham County Local Act. (Local)

Sponsors: Representative Cole.

Referred to: Rules, Calendar, and Operations of the House.

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to Rockingham County only.
5 SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 347
Rules and Operations of the Senate Committee Substitute Adopted 4/24/01

Short Title: Use of State Prop./Blount St. Historic Dist.

(Public)

Sponsors:

Referred to:

March 6, 2001

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE
3 BLOUNT STREET HISTORIC DISTRICT.

4 Whereas, the North Carolina Capital Planning Commission adopted a master
5 plan for the State government complex in Raleigh; and

6 Whereas, recommendations in the master plan for the Blount Street Historic
7 District include (i) the introduction of residential land uses, (ii) infill along Blount Street
8 with structures equal to the quality of existing structures, (iii) the systematic removal of
9 most State offices from the existing structures, and (iv) the adaptive reuse for private
10 residences of structures previously used for State office space; and

11 Whereas, implementation of the master plan will result in (i) the moving of
12 State offices to more efficient structures, (ii) the preservation of historical structures and
13 the historic district, and (iii) the revitalization of the area consistent with the principals
14 of smart growth development; and

15 Whereas, the adaptation of property in this area to mixed residential and
16 business use should be accomplished by the private sector and not by State government;
17 Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** Modification of the Capital Area Master Plan to provide for
20 the sale of certain properties. – Prior to May 1, 2002, the Department of Administration
21 and the Capital Planning Commission shall modify the Capital Area Master Plan for
22 State Government to provide for the sale to private or public entities of State-owned
23 properties within the area bordered by North Person Street, Lane Street, North
24 Wilmington Street, and Peace Street, except those properties which front on North
25 Wilmington Street and which lie between the southern historic property line of the
26 historic Merrimon House and Lane Street. The sales shall take place at such times as the
27 Department determines that land is no longer needed for State purposes and that it is in
28 the best interest of the State that the land be sold.

1 **SECTION 1.(b)** Preservation or conservation agreements required on all
2 sales. – The sale of property in this area shall be subject to preservation or conservation
3 agreements as defined in G.S. 121-35 that ensure that the use of the property is
4 consistent with the historic and architectural character of the district. The Historic
5 Preservation Foundation of North Carolina, Inc., shall be a party to all preservation or
6 conservation agreements entered into pursuant to this act. The Historic Preservation
7 Foundation of North Carolina, Inc., is authorized to enforce such agreements in
8 accordance with G.S. 121-39.

9 **SECTION 1.(c)** Procedures for the sale of properties. – Due to (i) the
10 significant architectural, archaeological, artistic, cultural, or historical associations of
11 these properties, (ii) the properties' relationship to other property that is significant for
12 architectural, archaeological, artistic, cultural, or historical associations, and (iii) the
13 requirement that a preservation agreement or conservation agreement as defined in G.S.
14 121-35 is placed in the deed conveying said property from the State, these properties
15 shall be sold by private negotiation and sale.

16 Advertisement of the availability of a property for sale shall occur at least 45
17 days prior to any private negotiations for the sale of the property.

18 Except for property intended for use as a private residence, an announcement
19 of the terms of a proposed sale of property and an opportunity for public comment on
20 the proposed sale shall occur at least 45 days prior to the sale. Property to be used as a
21 private residence may be sold without the 45-day public comment period.

22 The Department of Administration shall use the services of the Historic
23 Preservation Foundation of North Carolina, Inc., to assist it in the administration of this
24 act.

25 **SECTION 2.** Use of the net proceeds of sales. – The net proceeds of any
26 sale made in accordance with this act shall be handled in the following priority order:

27 (1) The funds shall be used in accordance with the provisions of any trust
28 or other instrument of title under which title to the real property was
29 acquired. The term "net proceeds" means the gross amount received
30 from the sale of these properties less any expenses incurred incident to
31 that sale, subject to regulations adopted by the Governor and approved
32 by the Council of State.

33 (2) The next ten million dollars (\$10,000,000) of the funds shall be placed
34 in a special trust fund in the Department of State Treasurer, hereinafter
35 to be held in trust and used solely for the upkeep, repair, and
36 maintenance of the Executive Mansion. The State Treasurer, as
37 custodian of the special trust fund, shall authorize the use of interest
38 earned by the special trust fund only for purposes approved by the
39 Executive Mansion Fine Arts Committee as provided in G.S.
40 143B-79(8). The State Treasurer shall authorize the use of the
41 principal only as authorized by the General Assembly and approved by
42 the Executive Mansion Fine Arts Committee as provided in G.S.
43 143B-79(8).

(3) The remainder of the funds shall be deposited in the General Fund.

SECTION 3.(a) Establishment of the Blount Street Historic District Oversight Committee. – The Blount Street Historic District Oversight Committee is established in the Office of the Governor.

SECTION 3.(b) Membership of the Committee. – The Committee shall consist of six members appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be a person with experience in urban planning;

(2) Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a person with experience in historic preservation; and

(3) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident of Historic Oakwood in Raleigh.

In making initial appointments to the Committee, the appointing officers shall designate one appointee to serve for a term of four years ending July 1, 2005, and one a term of six years ending July 1, 2007. Subsequent terms shall be for four years. A member shall continue to serve until the member's successor is appointed. A vacancy shall be filled for the remainder of the term by the officer who made the original appointment.

In making all appointments, the appointing officer shall consider the unique historic and architectural nature of the area and shall appoint people who are dedicated to preserving it.

SECTION 3.(c) Purpose of the Committee. – The purpose of the Committee shall be to monitor the implementation of this act.

SECTION 4. Implementation plan for this act. – Prior to September 1, 2001, the Department of Administration shall submit to the Blount Street Historic District Oversight Committee a plan for the implementation of this act and a schedule for implementation of the plan. The plan shall provide for the sale of any property that is vacant for more than three months. The plan shall also provide for the sale of property in separate parcels.

SECTION 5. G.S. 143B-79 reads as rewritten:

"§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.

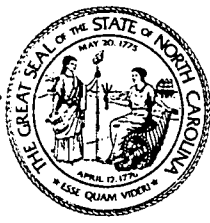
There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(1) To advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(2) To encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

- 1 (3) To make recommendations to the Secretary of Cultural Resources
2 concerning major renovations necessary to preserve and maintain the
3 structure;
4 (4) To aid the Secretary of Cultural Resources in keeping a complete list
5 of all gifts and articles received together with their history and value;
6 (4a) To advise the Secretary of Cultural Resources on the use of funds from
7 the special trust fund held in trust by the State Treasurer for the
8 upkeep, repair, and maintenance of the Executive Mansion. These
9 funds shall not be expended without the approval of the Committee;
10 (5) No gifts or articles shall be accepted for the Executive Mansion
11 without the approval of the Committee;
12 (6) The Committee shall advise the Secretary of Cultural Resources upon
13 any matter the Secretary may refer to it; and
14 (7) The Committee may dispose of property held in the Executive
15 Mansion after consultation with a review committee comprised of one
16 person from the Executive Mansion Fine Arts Committee, appointed
17 by its chairman; one person from the Department of Administration
18 appointed by the Secretary of Administration; and two qualified
19 professionals from the Department of Cultural Resources, Division of
20 Archives and History, appointed by the Secretary of Cultural
21 Resources. Upon request of the Executive Mansion Fine Arts
22 Committee, the review committee will view proposed items for
23 disposition and make a recommendation to the North Carolina
24 Historical Commission who will make a final decision. The Historical
25 Commission must consider whether the disposition is in the best
26 interest of the State of North Carolina. If such property is sold, (i) if
27 the records with regard to the property reflect that it was acquired by
28 the State by gift or devise the net proceeds of each such sale shall be
29 deposited in the State Treasury to the credit of the Executive Mansion,
30 Special Fund, and shall be used only for the purchase, conservation,
31 restoration or repair of other property for use in the Executive Mansion
32 and; (ii) if the records with regard to the property reflect that the
33 property was acquired by the State by purchase with appropriated
34 funds or do not show the manner of acquisition, the net proceeds of
35 such sale shall be deposited in the General Fund."

36 **SECTION 6.** This act is effective when it becomes law.



SENATE BILL 347: Use of State Prop./Blount St. Historic Dist.

BILL ANALYSIS

Committee: House Cultural Resources
Date: May 9, 2001
Version: PCS for Second Edition

Introduced by: Senator Rand
Summary by: George Givens
Committee Counsel

SUMMARY: *Senate Bill 347 would require the Department of Administration and the Capital Planning Commission to modify the Capital Area Master Plan to provide for the sale of State-owned properties in a in the Blount Street Historic District. Each property sold would be subject to a preservation or conservation agreement, and the net proceeds of each sale would be distributed in a prescribed manner. The Blount Street Historic District Oversight Committee would be established to monitor the implementation of the act. Also, the Executive Mansion Fine Arts Committee would be directed to advise the Secretary of Cultural Resources on the use of funds held in the Executive Mansion Trust Fund. The bill would become effective when it becomes law.*

BILL ANALYSIS:

Identification of properties to be sold:

The bill directs the Department of Administration and the Capital Planning Commission to modify the Capital Area Master Plan for State Government to provide for the sale of State-owned properties in the Blount Street Historic District. The properties to be sold would be within the area bordered by North Person Street, Lane Street, North Wilmington Street, and Peace Street, with the following exceptions:

- Those properties which front on North Wilmington Street and which lie between the southern historic property line of the historic Merrimon House and Lane Street;
- The Bailey-Tucker House on East Lane Street; and
- The Leonidas Lafayette Polk House on Blount Street.

A map identifying the area where the properties would be sold is attached to this analysis.

Procedures for the sale of properties:

A property available for sale would be publicly advertised at least 45 days prior to any negotiation for the sale of the property. Based on the following characteristics, the properties would be sold using the following procedures:

Properties including houses and associated outbuildings constructed before 1950:

- Would be sold by public sale.
- Would be subject to conservation or preservation agreements that restrict the use of the property to residential uses, private homes, bed and breakfast homes, or bed and breakfast inns.

All other properties:

- Would be sold by private negotiation and sale.
- Would be subject to a preservation or conservation agreement.

SENATE BILL 347

Page 2

Use of the net proceeds of sales:

The net proceeds generated from the sale of each property would be handled in the following manner:

1. Any funds necessary to comply with the provisions of any trust or other instrument of title associated with the sold property would be paid.
2. The next ten million dollars (\$10,000,000) would be placed the Executive Mansion Trust Fund, a special trust fund to be used solely for the upkeep, repair, and maintenance of the Executive Mansion. The State Treasurer would serve as custodian of the fund.
3. Any additional proceeds would be deposited in the General Fund.

Please Note: No fiscal note has been prepared for this bill.

Blount Street Historic District Oversight Committee:

The bill would also create the Blount Street Historic Oversight Committee within the Office of the Governor. The purpose of the Committee would be to monitor the implementation of the act. The Committee would consist of six members serving staggered four-year terms. The Governor would appoint two members, one with experience in urban planning. Two members, one of which has experience in historic preservation, would be appointed by the General Assembly, based on the recommendations of the President Pro Tempore of the Senate. Two members, one who is a resident of the Historic Oakwood District in Raleigh, would be appointed by the General Assembly, based on the recommendations of the Speaker of the House of Representatives. The Committee will terminate upon a finding by the Governor that the act has been fully implemented.

Plan for implementation:

The bill would direct the Department of Administration to develop a plan and schedule for implementing the act by September 1, 2001. A property that is vacant for more than three months would be sold. Also, each parcel of property would be sold individually.

Use of funds in Executive Mansion trust:

The bill would require the advice and approval of the Executive Mansion Fine Arts Committee regarding expenditures proposed by the Secretary of Cultural Resources from the special trust fund for the upkeep, repair, and maintenance of the Executive Mansion.

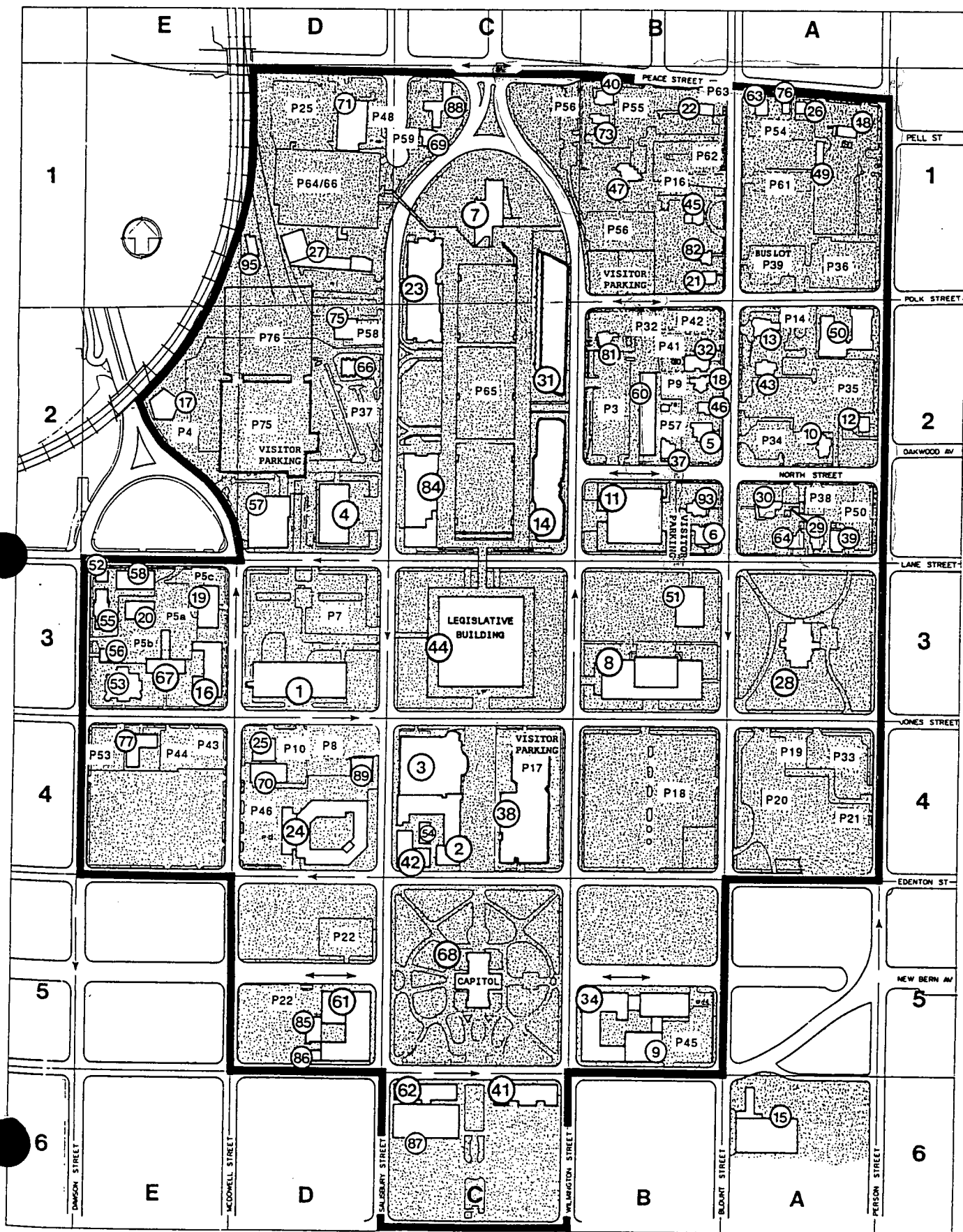
Effective date:

The bill would become effective when it becomes law.

BACKGROUND:

The Blount Street Historic District is recognized by the City of Raleigh as a Historic District and is certified to be eligible for inclusion in the National Register of Historic Places. Approximately 30 buildings and 15 parking lots are included in the area identified by the bill, including approximately 18 historic homes.

MAP OF STATE GOVERNMENT COMPLEX



MAP LEGEND

GOVERNMENT COMPLEX MAP

MAP LEGEND

MAP LEGEND BY BUILDING

Following is an alphabetical listing of buildings, their map coordinates and building numbers.

Administration Bldg. 116 W. Jones St.; D-3, No. 1	Governor's Mansion 200 N. Blount St.; A-3, No. 28	Merrimon-Wynne House 526 N. Wilmington St.; B-1, No. 47	Phillips Bldg. 109 E. North St.; B-2, No. 60
Agriculture Bldg. 1 W. Edenton St.; C-4, No. 2	Handy House 215 E. Lane St.; A-2, No. 29	Motor Pool Annex 220 E. Peace St.; A-1, No. 48	Pioneer Awning Bldg. 7 W. Peace St.; C-1, No. 88
Albemarle Bldg. 325 N. Salisbury St.; D-2, No. 4	Hawkins-Hartness House 310 N. Blount St.; A-2, No. 30	Motor Pool Car Wash 220 E. Peace St.; A-1, No. 49	Revenue Annex (J.C. Lunchette) 114 W. Morgan St.; D-5, No. 86
Andrews-Duncan House 407 N. Blount St.; B-2, No. 5	Heartt House 421 N. Blount St.; B-2, No. 32	Murphey School 443 N. Person St.; A-2, No. 50	Revenue Bldg. 501 N. Wilmington St.; C-2, No. 31
Archdale Bldg. 512 N. Salisbury St.; C-1, No. 7	Heck-Andrews House 309 N. Blount St.; B-2, No. 93	Museum of Art, Old 107 E. Morgan St.; B-5, No. 9	Revenue Bldg., Old 2 S. Salisbury St.; D-5, No. 61
Archives-State Library 109 E. Jones St.; B-3, No. 8	Highway Bldg. 11 S. Wilmington St.; B-5, No. 34	Museum of History 1 E. Edenton St.; C-4, No. 38	Russ-Edwards House 540 N. Blount St.; A-1, No. 63
Ashley House 219 E. North St.; A-2, No. 10	Howell House 111 E. North St.; B-2, No. 37	Museum of Natural Sciences 102 N. Salisbury St.; C-4, No. 3	Seaboard Bldg. 413 N. Salisbury St.; D-2, No. 66
Bailey-Gallant House 507 N. Blount St.; B-1, No. 82	Jenkins House 221 E. Lane St.; A-2, No. 39	Old Film Library 228 N. Dawson St.; E-3, No. 52	Shore Bldg. 214 W. Jones St.; E-3, No. 67
Bailey-Tucker House 213 E. Lane St.; A-2, No. 64	Jordan House 532 N. Wilmington St.; B-1, No. 40	Old Health Bldg. 216 W. Jones St.; E-3, No. 53	State Capitol Bldg. Capitol Square; C-5, No. 68
Bath Bldg. 306 N. Wilmington St.; B-2, No. 11	Justice Bldg. 2 E. Morgan St.; C-6, No. 41	Old Heating Plant, Caswell Square 224 N. Dawson St.; E-3, No. 55	State Employees Credit Union 119 N. Salisbury St.; D-4, No. 89
Boiler Plant 412 N. McDowell St.; E-2, No. 33	Labor Bldg. 4 W. Edenton St.; C-4, No. 42	Old Heating Plant, Museum 100 N. Salisbury St.; C-4, No. 54	State Records Center 215 N. Blount St.; B-3, No. 51
Brown & Rogers Bldg. 115 Hillsborough St.; D-5, No. 85	Landscape Services Bldg. 421 N. Salisbury St.; D-1, No. 95	Old State Records Center 120 W. Lane St.; D-2, No. 57	Stephenson Bldg. 500 Vaughan Court; C-1, No. 69
Cambridge House 407 N. Person St.; A-2, No. 12	Lee House 422 N. Blount St.; A-2, No. 43	Old Textbook Warehouse 215 W. Lane St.; E-3, No. 58	Thompson Bldg. 122 N. McDowell St.; D-4, No. 70
Capehart-Crocker House 424 N. Blount St.; A-2, No. 13	Legislative Bldg. 16 W. Jones St.; C-3, No. 44	Old YWCA 217 W. Jones St.; E-4, No. 77	Watson House 530 N. Wilmington St.; B-1, No. 73
Capitol Visitors Center 301 N. Blount St.; B-2, No. 6	Legislative Office Bldg. 300 N. Salisbury St.; C-2, No. 84	Olivia Raney Library Bldg. 104 Fayetteville St.; C-6, No. 87	Womack Bldg. 417 N. Salisbury St.; D-2, No. 75
Carpentry/Paint Shop 109 S. Blount St.; A-6, No. 15	Lewis-Smith House 515 N. Blount St.; B-1, No. 45	Oral Hygiene Bldg. 220 Dawson St.; E-3, No. 56	Worth House 210 E. Peace St.; A-1, No. 76
Caswell Bldg. 200 W. Jones St.; E-3, No. 16	McGee House 411 N. Blount St.; B-2, No. 46	Personnel Training Center Bldg. 101 W. Peace St.; D-1, No. 71	
Central Heating Plant 412 N. McDowell St.; E-2, No. 17			
Coble-Helms House 417 N. Blount St.; B-2, No. 18			
Cooper Memorial Bldg. 225 N. McDowell St.; E-3, No. 19			
Cotton Classing Bldg. 222 N. Dawson St.; E-3, No. 20			
Court of Appeals Bldg. (former Ruffin Bldg.) 1 W. Morgan St.; C-6, No. 62			
Cowper House 501 N. Blount St.; B-1, No. 21			
Crabtree Commercial Bldg. 120 E. Peace St.; B-1, No. 22			
Dobbs Bldg. 430 N. Salisbury St.; C-1, No. 23			
Education Bldg., Old 114 W. Edenton St.; D-4, No. 24			
Education Building, New 301 N. Wilmington St.; C-2, No. 14			
Elks Bldg. 121 W. Jones St.; D-4, No. 25			
Facility Management Bldg. 431 N. Salisbury St.; D-1, No. 27			
Farlow House 412 N. Wilmington St.; B-2, No. 81			
Gay House 214 E. Peace St.; A-1, No. 26			
	1 Administration Bldg.	30 Hawkins-Hartness House	62 Court of Appeals Bldg. (former Ruffin Bldg.)
	2 Agriculture Bldg.	31 Revenue Bldg.	63 Russ-Edwards House
	3 Museum of Natural Sciences	32 Heartt House	64 Bailey-Tucker House
	4 Albemarle Bldg.	33 Boiler Plant	66 Seaboard Bldg.
	5 Andrews-Duncan House	34 Highway Bldg.	67 Shore Bldg.
	6 Capitol Visitors Center	37 Howell House	68 State Capitol Bldg.
	7 Archdale Bldg.	38 Museum of History	69 Stephenson Bldg.
	8 Archives-State Library	39 Jenkins House	70 Thompson Bldg.
	9 Museum of Art, Old	40 Jordan House	71 Personnel Training Center Bldg.
	10 Ashley House	41 Justice Bldg.	73 Watson House
	11 Bath Bldg.	42 Labor Bldg.	75 Womack Bldg.
	12 Cambridge House	43 Lee House	76 Worth House
	13 Capehart-Crocker House	44 Legislative Bldg.	77 Old YWCA
	14 Education Building, New	45 Lewis-Smith House	81 Farlow House
	15 Carpentry/Paint Shop	46 McGee House	82 Bailey-Gallant House
	16 Caswell Bldg.	47 Merrimon-Wynne House	84 Legislative Office Bldg.
	17 Central Heating Plant	48 Motor Pool Annex	85 Brown & Rogers Bldg.
	18 Coble-Helms House	49 Motor Pool Car Wash	86 Revenue Annex (J.C. Lunchette)
	19 Cooper Memorial Bldg.	50 Murphey School	87 Olivia Raney Library Bldg.
	20 Cotton Classing Bldg.	51 State Records Center	88 Pioneer Awning Bldg.
	21 Cowper House	52 Old Film Library	89 State Employees Credit Union
	22 Crabtree Commercial Bldg.	53 Old Health Bldg.	93 Heck-Andrews House
	23 Dobbs Bldg.	54 Old Heating Plant, Museum	95 Landscape Services Office
	24 Education Bldg., Old	55 Old Heating Plant, Caswell Square	
	25 Elks Bldg.	56 Oral Hygiene Bldg.	
	26 Gay House	57 Old State Records Center	
	27 Facility Management Bldg.	58 Old Textbook Warehouse	
	28 Governor's Mansion	60 Phillips Bldg.	
	29 Handy House	61 Revenue Bldg., Old	

MAP LEGEND BY NUMBER

Following is a listing of buildings by number.

*Some numbers missing

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Barefoot** (Chair) for the Committee on **CULTURAL RESOURCES**.

☒ Committee Substitute for

S.B. 347 A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

May 9, 2001
Cultural Resources

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 347

Rules and Operations of the Senate Committee Substitute Adopted 4/24/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S347-PCS5226-RT-36

Adopted for discussion

Short Title: Use of State Prop./Blount St. Historic Dist.

(Public)

Sponsors:

Referred to:

March 6, 2001

A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE
BLOUNT STREET HISTORIC DISTRICT.

Whereas, the North Carolina Capital Planning Commission adopted a master plan for the State government complex in Raleigh; and

Whereas, recommendations in the master plan for the Blount Street Historic District include (i) the introduction of residential land uses, (ii) infill along Blount Street with structures equal to the quality of existing structures, (iii) the systematic removal of most State offices from the existing structures, and (iv) the adaptive reuse for private residences of structures previously used for State office space; and

Whereas, implementation of the master plan will result in (i) the moving of State offices to more efficient structures, (ii) the preservation of historical structures and the historic district, and (iii) the revitalization of the area consistent with the principles of smart growth development; and

Whereas, the adaptation of property in this area to mixed residential and business use should be accomplished by the private sector and not by State government; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Modification of the Capital Area Master Plan to Provide for the Sale of Certain Properties. – Prior to 1 May 2002, the Department of Administration and the Capital Planning Commission shall modify the Capital Area Master Plan for State Government to provide for the sale to private or public entities of State-owned properties within the area bordered by North Person Street, Lane Street, North Wilmington Street, and Peace Street, except (i) those properties that front on North Wilmington Street and that lie between the southern historic property line of the historic Merrimon House and Lane Street, (ii) the Bailey-Tucker House on East Lane Street, and (iii) the Leonidas Lafayette Polk House on Blount Street. Sales shall take place at such

1 times as the Department determines that land is no longer needed for State purposes and
2 that it is in the best interest of the State that the land be sold.

3 **SECTION 1.(b)** Preservation or Conservation Agreements Required on all
4 Sales. – The sale of property in this area shall be subject to preservation or conservation
5 agreements as defined in G.S. 121-35 that ensure that the use of the property is
6 consistent with the historic and architectural character of the district. All sales of
7 property in this area that include houses and associated outbuildings constructed before
8 1950 shall be subject to agreements that restrict the use of the property to residential
9 uses, private homes, bed and breakfast homes, or bed and breakfast inns. The Historic
10 Preservation Foundation of North Carolina, Inc., is authorized to enforce these
11 agreements in accordance with G.S. 121-39.

12 **SECTION 1.(c)** Procedures for the Sale of Properties. –

- 13 (1) Advertisement of the availability of property for sale shall occur at
14 least 45 days prior to any negotiations for the sale of the property.
15 (2) Properties that include houses and associated outbuildings constructed
16 before 1950 shall be sold by public sale.
17 (3) Properties other than those properties that include houses and
18 associated outbuildings constructed before 1950 shall be sold by
19 private negotiation and sale because of (i) the significant architectural,
20 archaeological, artistic, cultural, or historical associations of these
21 properties; (ii) the properties' relationship to other property that is
22 significant for architectural, archaeological, artistic, cultural, or
23 historical associations; and (iii) the requirement that a preservation
24 agreement or conservation agreement, as defined in G.S. 121-35, is
25 placed in the deed conveying the property from the State. An
26 announcement of the terms of a proposed sale of such property and an
27 opportunity for public comment on the proposed sale shall occur at
28 least 45 days prior to the sale.
29 (4) The Department of Administration shall use the services of the
30 Historic Preservation Foundation of North Carolina, Inc., to assist it in
31 the administration of this act.

32 **SECTION 2.** Use of the Net Proceeds of Sales. – The net proceeds of any
33 sale made in accordance with this act shall be handled in the following priority order:

- 34 (1) The funds shall be used in accordance with the provisions of any trust
35 or other instrument of title under which title to the real property was
36 acquired. The term "net proceeds" means the gross amount received
37 from the sale of these properties less any expenses incurred incident to
38 that sale, subject to regulations adopted by the Governor and approved
39 by the Council of State.
40 (2) The next ten million dollars (\$10,000,000) of the funds shall be placed
41 in the Executive Mansion Trust Fund established by G.S. 143B-80.2,
42 as enacted by Section 3 of this act.

(3) The remainder of the funds shall be deposited in the General Fund.

SECTION 3. Part 10 of Article 2 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-80.2. Executive Mansion Trust Fund.

The Executive Mansion Trust Fund is established as a special trust fund in the Department of State Treasurer. The Fund shall be held in trust and used solely for the upkeep, repair, and maintenance of the Executive Mansion. The State Treasurer, as custodian of the Fund, shall authorize the use of interest earned by the Fund only for purposes approved by the Executive Mansion Fine Arts Committee as provided in G.S. 143B-79(8). The State Treasurer shall authorize the use of the principal of the Fund only as authorized by the General Assembly and approved by the Executive Mansion Fine Arts Committee as provided in G.S. 143B-79(8)."

SECTION 4.(a) Establishment of the Blount Street Historic District Oversight Committee. – The Blount Street Historic District Oversight Committee is established in the Office of the Governor.

SECTION 4.(b) Membership of the Committee. –

(1) The Committee shall consist of six members appointed as follows:

- a. Two members appointed by the Governor, one of whom shall be a person with experience in urban planning;
- b. Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of whom shall be a person with experience in historic preservation; and
- c. Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one of whom shall be a resident of Historic Oakwood in Raleigh.

(2) In making initial appointments to the Committee, the appointing officers shall designate one appointee to serve for a term of four years ending 1 July 2005 and one a term of six years ending 1 July 2007. Subsequent terms shall be for four years. A member shall continue to serve until the member's successor is appointed. A vacancy shall be filled for the remainder of the term by the officer who made the original appointment.

(3) In making all appointments, the appointing officer shall consider the unique historic and architectural nature of the area and shall appoint people who are dedicated to preserving it.

(4) The Governor shall appoint a member of the Committee to serve as Chair.

(5) The office of member of the Committee may be held concurrently with any other elected or appointed office, as authorized by Article VI, Section 9 of the Constitution of North Carolina.

(6) The Governor may remove any member of the Committee for misfeasance, malfeasance, or nonfeasance as provided in G.S. 143B-13.

(7) A majority of the Committee shall constitute a quorum for the transaction of business.

(8) The Committee shall terminate upon a finding by the Governor that this act has been fully implemented.

SECTION 4.(c) Purpose of the Committee. – The purpose of the Committee shall be to monitor the implementation of this act.

SECTION 5. Implementation plan for this act. – Prior to 1 September 2001, the Department of Administration shall submit to the Blount Street Historic District Oversight Committee a plan for the implementation of this act and a schedule for implementation of the plan. The plan shall provide for the sale of any property that is vacant for more than three months. The plan shall also provide for the sale of property in separate parcels.

SECTION 6. G.S. 143B-79 reads as rewritten:

"§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.

There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(1) To advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(2) To encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

(3) To make recommendations to the Secretary of Cultural Resources concerning major renovations necessary to preserve and maintain the structure;

(4) To aid the Secretary of Cultural Resources in keeping a complete list of all gifts and articles received together with their history and value;

(4a) To advise the Secretary of Cultural Resources on the use of funds from the special trust fund held in trust by the State Treasurer for the upkeep, repair, and maintenance of the Executive Mansion. These funds shall not be expended without the approval of the Committee;

(5) No gifts or articles shall be accepted for the Executive Mansion without the approval of the Committee;

(6) The Committee shall advise the Secretary of Cultural Resources upon any matter the Secretary may refer to it; and

(7) The Committee may dispose of property held in the Executive Mansion after consultation with a review committee comprised of one person from the Executive Mansion Fine Arts Committee, appointed

1 by its chairman; one person from the Department of Administration
2 appointed by the Secretary of Administration; and two qualified
3 professionals from the Department of Cultural Resources, Division of
4 Archives and History, appointed by the Secretary of Cultural
5 Resources. Upon request of the Executive Mansion Fine Arts
6 Committee, the review committee will view proposed items for
7 disposition and make a recommendation to the North Carolina
8 Historical Commission who will make a final decision. The Historical
9 Commission must consider whether the disposition is in the best
10 interest of the State of North Carolina. If such property is sold, (i) if
11 the records with regard to the property reflect that it was acquired by
12 the State by gift or devise the net proceeds of each such sale shall be
13 deposited in the State Treasury to the credit of the Executive Mansion,
14 Special Fund, and shall be used only for the purchase, conservation,
15 restoration or repair of other property for use in the Executive Mansion
16 and; (ii) if the records with regard to the property reflect that the
17 property was acquired by the State by purchase with appropriated
18 funds or do not show the manner of acquisition, the net proceeds of
19 such sale shall be deposited in the General Fund."

20 **SECTION 7.** Nothing in this act shall be construed to limit the right of a
21 nonprofit corporation to purchase properties that are subject to the provisions of this act
22 or to use tax-exempt financing for such purchase.

23 **SECTION 8.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 347
Rules and Operations of the Senate Committee Substitute Adopted 4/24/01

Short Title: Use of State Prop./Blount St. Historic Dist.

(Public)

Sponsors:

Referred to:

March 6, 2001

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE
3 BLOUNT STREET HISTORIC DISTRICT.

4 Whereas, the North Carolina Capital Planning Commission adopted a master
5 plan for the State government complex in Raleigh; and

6 Whereas, recommendations in the master plan for the Blount Street Historic
7 District include (i) the introduction of residential land uses, (ii) infill along Blount Street
8 with structures equal to the quality of existing structures, (iii) the systematic removal of
9 most State offices from the existing structures, and (iv) the adaptive reuse for private
10 residences of structures previously used for State office space; and

11 Whereas, implementation of the master plan will result in (i) the moving of
12 State offices to more efficient structures, (ii) the preservation of historical structures and
13 the historic district, and (iii) the revitalization of the area consistent with the principals
14 of smart growth development; and

15 Whereas, the adaptation of property in this area to mixed residential and
16 business use should be accomplished by the private sector and not by State government;
17 Now, therefore,

18 The General Assembly of North Carolina enacts:

19 SECTION 1.(a) Modification of the Capital Area Master Plan to provide for
20 the sale of certain properties. – Prior to May 1, 2002, the Department of Administration
21 and the Capital Planning Commission shall modify the Capital Area Master Plan for
22 State Government to provide for the sale to private or public entities of State-owned
23 properties within the area bordered by North Person Street, Lane Street, North
24 Wilmington Street, and Peace Street, except those properties which front on North
25 Wilmington Street and which lie between the southern historic property line of the
26 historic Merrimon House and Lane Street. The sales shall take place at such times as the
27 Department determines that land is no longer needed for State purposes and that it is in
28 the best interest of the State that the land be sold.

1 **SECTION 1.(b)** Preservation or conservation agreements required on all
2 sales. – The sale of property in this area shall be subject to preservation or conservation
3 agreements as defined in G.S. 121-35 that ensure that the use of the property is
4 consistent with the historic and architectural character of the district. The Historic
5 Preservation Foundation of North Carolina, Inc., shall be a party to all preservation or
6 conservation agreements entered into pursuant to this act. The Historic Preservation
7 Foundation of North Carolina, Inc., is authorized to enforce such agreements in
8 accordance with G.S. 121-39.

9 **SECTION 1.(c)** Procedures for the sale of properties. – Due to (i) the
10 significant architectural, archaeological, artistic, cultural, or historical associations of
11 these properties, (ii) the properties' relationship to other property that is significant for
12 architectural, archaeological, artistic, cultural, or historical associations, and (iii) the
13 requirement that a preservation agreement or conservation agreement as defined in G.S.
14 121-35 is placed in the deed conveying said property from the State, these properties
15 shall be sold by private negotiation and sale.

16 Advertisement of the availability of a property for sale shall occur at least 45
17 days prior to any private negotiations for the sale of the property.

18 Except for property intended for use as a private residence, an announcement
19 of the terms of a proposed sale of property and an opportunity for public comment on
20 the proposed sale shall occur at least 45 days prior to the sale. Property to be used as a
21 private residence may be sold without the 45-day public comment period.

22 The Department of Administration shall use the services of the Historic
23 Preservation Foundation of North Carolina, Inc., to assist it in the administration of this
24 act.

25 **SECTION 2.** Use of the net proceeds of sales. – The net proceeds of any
26 sale made in accordance with this act shall be handled in the following priority order:

27 (1) The funds shall be used in accordance with the provisions of any trust
28 or other instrument of title under which title to the real property was
29 acquired. The term "net proceeds" means the gross amount received
30 from the sale of these properties less any expenses incurred incident to
31 that sale, subject to regulations adopted by the Governor and approved
32 by the Council of State.

33 (2) The next ten million dollars (\$10,000,000) of the funds shall be placed
34 in a special trust fund in the Department of State Treasurer, hereinafter
35 to be held in trust and used solely for the upkeep, repair, and
36 maintenance of the Executive Mansion. The State Treasurer, as
37 custodian of the special trust fund, shall authorize the use of interest
38 earned by the special trust fund only for purposes approved by the
39 Executive Mansion Fine Arts Committee as provided in G.S.
40 143B-79(8). The State Treasurer shall authorize the use of the
41 principal only as authorized by the General Assembly and approved by
42 the Executive Mansion Fine Arts Committee as provided in G.S.
43 143B-79(8).

(3) The remainder of the funds shall be deposited in the General Fund.

SECTION 3.(a) Establishment of the Blount Street, Historic District Oversight Committee. – The Blount Street Historic District Oversight Committee is established in the Office of the Governor.

SECTION 3.(b) Membership of the Committee. – The Committee shall consist of six members appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be a person with experience in urban planning;

(2) Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a person with experience in historic preservation; and

(3) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident of Historic Oakwood in Raleigh.

In making initial appointments to the Committee, the appointing officers shall designate one appointee to serve for a term of four years ending July 1, 2005, and one a term of six years ending July 1, 2007. Subsequent terms shall be for four years. A member shall continue to serve until the member's successor is appointed. A vacancy shall be filled for the remainder of the term by the officer who made the original appointment.

In making all appointments, the appointing officer shall consider the unique historic and architectural nature of the area and shall appoint people who are dedicated to preserving it.

SECTION 3.(c) Purpose of the Committee. – The purpose of the Committee shall be to monitor the implementation of this act.

SECTION 4. Implementation plan for this act. – Prior to September 1, 2001, the Department of Administration shall submit to the Blount Street Historic District Oversight Committee a plan for the implementation of this act and a schedule for implementation of the plan. The plan shall provide for the sale of any property that is vacant for more than three months. The plan shall also provide for the sale of property in separate parcels.

SECTION 5. G.S. 143B-79 reads as rewritten:

"§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.

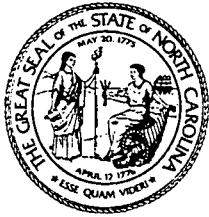
There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(1) To advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(2) To encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

- 1 (3) To make recommendations to the Secretary of Cultural Resources
2 concerning major renovations necessary to preserve and maintain the
3 structure;
4 (4) To aid the Secretary of Cultural Resources in keeping a complete list
5 of all gifts and articles received together with their history and value;
6 (4a) To advise the Secretary of Cultural Resources on the use of funds from
7 the special trust fund held in trust by the State Treasurer for the
8 upkeep, repair, and maintenance of the Executive Mansion. These
9 funds shall not be expended without the approval of the Committee;
10 (5) No gifts or articles shall be accepted for the Executive Mansion
11 without the approval of the Committee;
12 (6) The Committee shall advise the Secretary of Cultural Resources upon
13 any matter the Secretary may refer to it; and
14 (7) The Committee may dispose of property held in the Executive
15 Mansion after consultation with a review committee comprised of one
16 person from the Executive Mansion Fine Arts Committee, appointed
17 by its chairman; one person from the Department of Administration
18 appointed by the Secretary of Administration; and two qualified
19 professionals from the Department of Cultural Resources, Division of
20 Archives and History, appointed by the Secretary of Cultural
21 Resources. Upon request of the Executive Mansion Fine Arts
22 Committee, the review committee will view proposed items for
23 disposition and make a recommendation to the North Carolina
24 Historical Commission who will make a final decision. The Historical
25 Commission must consider whether the disposition is in the best
26 interest of the State of North Carolina. If such property is sold, (i) if
27 the records with regard to the property reflect that it was acquired by
28 the State by gift or devise the net proceeds of each such sale shall be
29 deposited in the State Treasury to the credit of the Executive Mansion,
30 Special Fund, and shall be used only for the purchase, conservation,
31 restoration or repair of other property for use in the Executive Mansion
32 and; (ii) if the records with regard to the property reflect that the
33 property was acquired by the State by purchase with appropriated
34 funds or do not show the manner of acquisition, the net proceeds of
35 such sale shall be deposited in the General Fund."

36 **SECTION 6.** This act is effective when it becomes law.



SENATE BILL 347: Use of State Prop./Blount St. Historic Dist.

BILL ANALYSIS

Committee: House Cultural Resources
Date: May 9, 2001
Version: PCS for Second Edition

Introduced by: Senator Rand
Summary by: George Givens
Committee Counsel

SUMMARY: *Senate Bill 347 would require the Department of Administration and the Capital Planning Commission to modify the Capital Area Master Plan to provide for the sale of State-owned properties in a in the Blount Street Historic District. Each property sold would be subject to a preservation or conservation agreement, and the net proceeds of each sale would be distributed in a prescribed manner. The Blount Street Historic District Oversight Committee would be established to monitor the implementation of the act. Also, the Executive Mansion Fine Arts Committee would be directed to advise the Secretary of Cultural Resources on the use of funds held in the Executive Mansion Trust Fund. The bill would become effective when it becomes law.*

BILL ANALYSIS:

Identification of properties to be sold:

The bill directs the Department of Administration and the Capital Planning Commission to modify the Capital Area Master Plan for State Government to provide for the sale of State-owned properties in the Blount Street Historic District. The properties to be sold would be within the area bordered by North Person Street, Lane Street, North Wilmington Street, and Peace Street, with the following exceptions:

- Those properties which front on North Wilmington Street and which lie between the southern historic property line of the historic Merrimon House and Lane Street;
- The Bailey-Tucker House on East Lane Street; and
- The Leonidas Lafayette Polk House on Blount Street.

A map identifying the area where the properties would be sold is attached to this analysis.

Procedures for the sale of properties:

A property available for sale would be publicly advertised at least 45 days prior to any negotiation for the sale of the property. Based on the following characteristics, the properties would be sold using the following procedures:

Properties including houses and associated outbuildings constructed before 1950:

- Would be sold by public sale.
- Would be subject to conservation or preservation agreements that restrict the use of the property to residential uses, private homes, bed and breakfast homes, or bed and breakfast inns.

All other properties:

- Would be sold by private negotiation and sale.
- Would be subject to a preservation or conservation agreement.

SENATE BILL 347

Page 2

Use of the net proceeds of sales:

The net proceeds generated from the sale of each property would be handled in the following manner:

1. Any funds necessary to comply with the provisions of any trust or other instrument of title associated with the sold property would be paid.
2. The next ten million dollars (\$10,000,000) would be placed the Executive Mansion Trust Fund, a special trust fund to be used solely for the upkeep, repair, and maintenance of the Executive Mansion. The State Treasurer would serve as custodian of the fund.
3. Any additional proceeds would be deposited in the General Fund.

Please Note: No fiscal note has been prepared for this bill.

Blount Street Historic District Oversight Committee:

The bill would also create the Blount Street Historic Oversight Committee within the Office of the Governor. The purpose of the Committee would be to monitor the implementation of the act. The Committee would consist of six members serving staggered four-year terms. The Governor would appoint two members, one with experience in urban planning. Two members, one of which has experience in historic preservation, would be appointed by the General Assembly, based on the recommendations of the President Pro Tempore of the Senate. Two members, one who is a resident of the Historic Oakwood District in Raleigh, would be appointed by the General Assembly, based on the recommendations of the Speaker of the House of Representatives. The Committee will terminate upon a finding by the Governor that the act has been fully implemented.

Plan for implementation:

The bill would direct the Department of Administration to develop a plan and schedule for implementing the act by September 1, 2001. A property that is vacant for more than three months would be sold. Also, each parcel of property would be sold individually.

Use of funds in Executive Mansion trust:

The bill would require the advice and approval of the Executive Mansion Fine Arts Committee regarding expenditures proposed by the Secretary of Cultural Resources from the special trust fund for the upkeep, repair, and maintenance of the Executive Mansion.

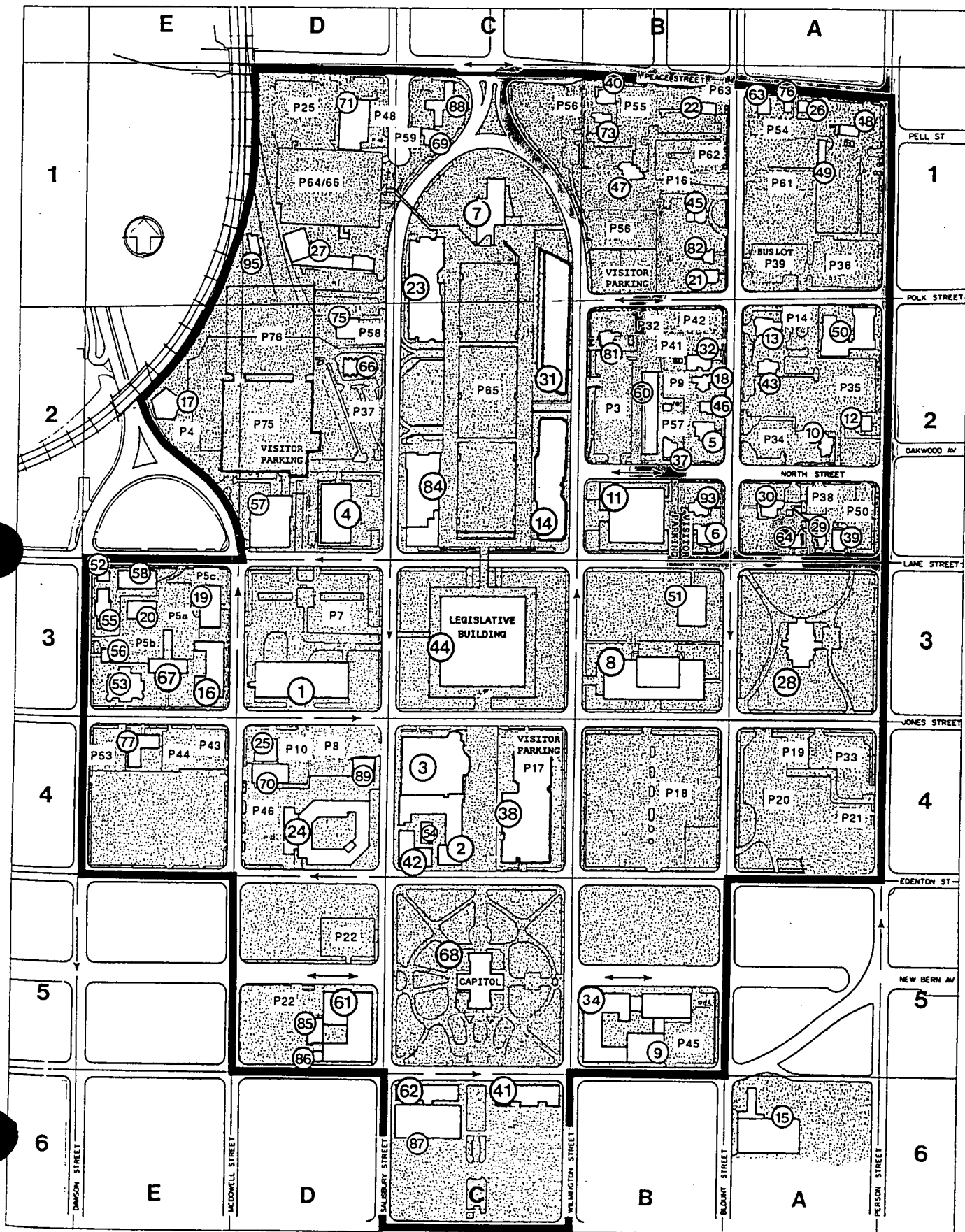
Effective date:

The bill would become effective when it becomes law.

BACKGROUND:

The Blount Street Historic District is recognized by the City of Raleigh as a Historic District and is certified to be eligible for inclusion in the National Register of Historic Places. Approximately 30 buildings and 15 parking lots are included in the area identified by the bill, including approximately 18 historic homes.

MAP OF STATE GOVERNMENT COMPLEX



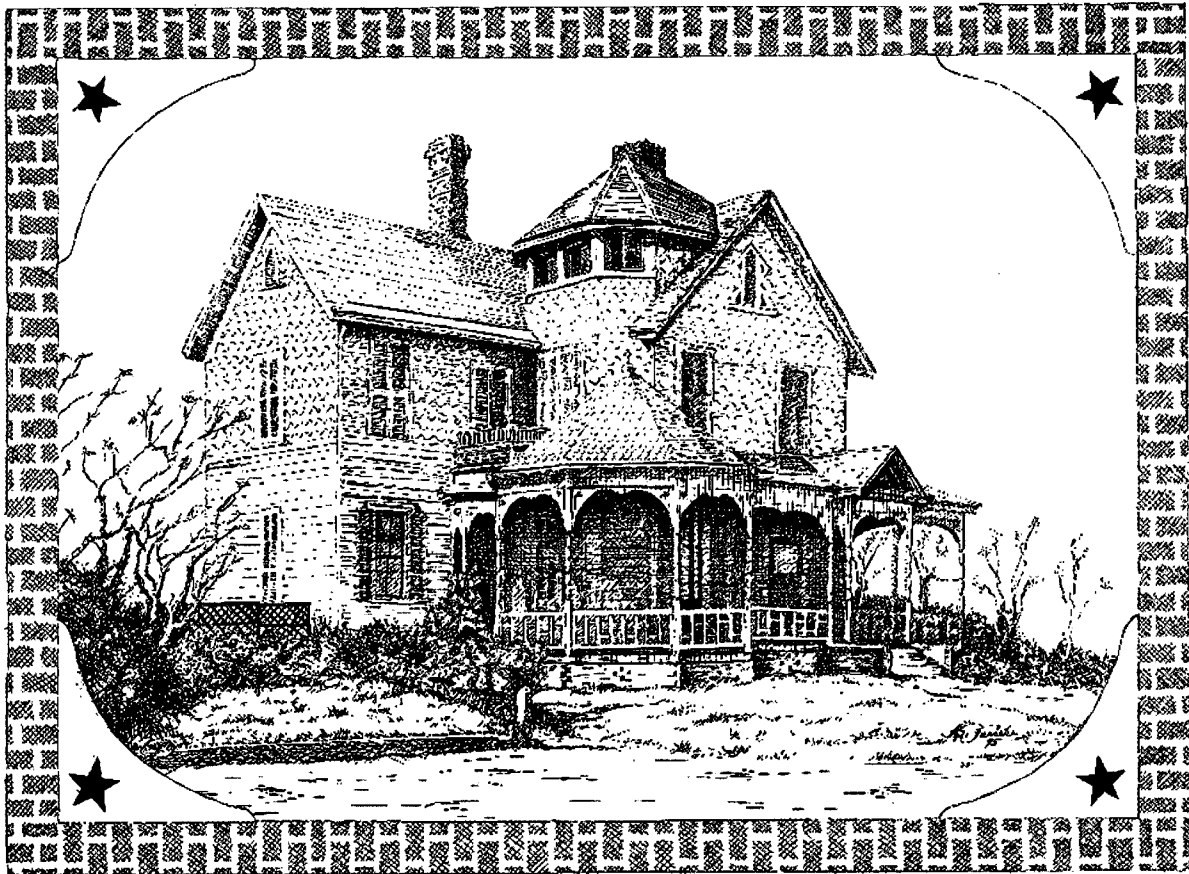
MAP LEGEND

GOVERNMENT COMPLEX MAP

Following is an alphabetical listing of buildings, their map coordinates and building numbers.

18

The Leonidas LaFayette Polk Memorial



Commemorating the Life and Career of

**One of North Carolina's
Most Distinguished Sons**

Raleigh, North Carolina

Leonidas L. Polk, (24 April 1837-11 June 1892), champion of agriculture and education, journalist and editor, Baptist lay-leader, born on an Anson County farm he became one of North Carolina's most influential public figures and achieved national prominence as the spokesman for an agrarian movement that



changed the face of America. Educated at Davidson College he was elected to the General Assembly at an early age and entered the Confederate Army upon the outbreak of the Civil War. With the return of peace he began his long career of public service that was unbroken until his death.

Polk founded the town of Polkton and edited a local newspaper there. An ardent advocate of agriculture he sponsored the establishment of a state Department of Agriculture and was appointed North Carolina's first Commissioner of Agriculture by Governor Zebulon Vance.

In 1880 he resigned as Commissioner and became part owner and corresponding editor of The News, a Raleigh daily newspaper. When that paper merged with The Observer to form the present News and Observer he continued in his editorial capacity.

In 1866 he began publication of The Progressive Farmer destined to become one of the most respected agricultural publications in the country. As editor of The Progressive Farmer he became a crusader for agricultural education and urged farmers to organize clubs to promote their interests. The clubs he formed made North Carolina receptive to the Farmers' Alliance and under Polks' leadership the North Carolina Farmer's Association became a powerful social and political force in the state.

Polk's leadership in agricultural and social affairs was quickly recognized nationally and he became president of the two million member Farmer's Alliance. When much of that organization aligned itself with the People's or "Populist" Party, The Progressive Farmer threw its full influence behind the Populist movement and Polk emerged as the logical nominee of the Populists for the Presidency of the United States. His untimely death in 1892, a few weeks before the nominating convention, prevented his nomination.

Notwithstanding his busy occupation in national affairs, Polk remained a force in his native state. Upon enactment of the Morrill Act by Congress he led the initiative to remove federal funds received under the act from the University of North Carolina at Chapel Hill and establish a separate campus in Raleigh that is now North Carolina State University. An uncompromising Baptist, he served as President of the North Carolina State Baptist Convention and was the principal founder of Meredith College, the Baptist school for women in Raleigh, and was a trustee of Wake Forest College.

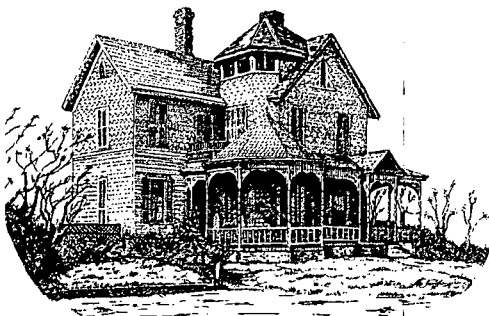
The Polk home in Raleigh described as "gingerbread Gothic" was built in 1891. It is an excellent example of American residential architecture at the turn of the century. Originally located on North Person Street the present project is to move this important landmark to a location on Blount Street in Raleigh's historic district and renovate it. The Polk family has graciously donated pieces of the original furniture to be placed in the house. Also planned is a Victorian garden containing specimens of all North Carolina flora which will surround the house.

The restored Polk House will serve not only as a memorial museum to Leonidas Polk but also as a site for memorials to other leaders in agriculture in North Carolina such as former Commissioners of Agriculture, farm leaders and educators. Conference rooms are planned and it is contemplated that the structure will be available as a depository for documents and other memorabilia pertaining to agriculture in the state. It might well become North Carolina's Agriculture Hall of Fame.



The L. L. Polk House
Foundation, Inc.
Post Office Box 2021
Raleigh, NC 27602

FRIENDS OF THE POLK MEMORIAL



The L.L. Polk House Foundation seeks your support in the effort to acquire and restore the Leonidas Polk House. Your tax deductible gift will go for a purpose of which you will be proud.

☐ Yes, I would like to contribute to this important preservation project. Enclosed is a tax deductible contribution.

Make checks payable to and mail to:
Leonidas Lafayette Polk Foundation, Inc.
PO Box 2021
Raleigh, NC 27602

Name _____

Address _____

Phone No. _____

ATTACHMENT #8

STATE CAPITOL/VISITOR SERVICES SECTION VISITATION, SCHEDULING, ORIENTATION, AND SPECIAL EVENTS CALENDAR YEAR 2000

Visitor Center

Visitors Served Onsite	73,603 people
Orientation Programs Given	1,634
Groups Scheduled	4,272 (160,747 people)
Group Tour Cancellations	293
Groups Re-scheduled*	699
Total Visitors Served by Center*	94,128 people

Executive Mansion

Group Tours Conducted	1,310 (27,791 people)
Garden Tours Conducted	50 (518 people)
Holiday Open House*	11,978 people
Total Visitors Served by the Mansion*	23,357

State Capitol

Visitors Served Onsite	104,534 people
Group Tours Conducted	2,080 (62,978 people)
Special Tours	19 (801 people)
Special Events	169 (53,630 people)
Total Served at Capitol*	75,261

Section

Off-site programming	11 (18,641 people)
----------------------	--------------------

TOTAL SERVED BY SECTION IN 2000* **210,872**

*These figures only began to be compiled in July 2000.

1994 AND 2000 COMPARISONS

1994

2000

Total People Served	106,384	Total People Served	160,747
Total Groups Served	3,252	Total Groups Served	4,272

2001 FIGURES SO FAR

January	221 groups/8,148 people
February	198 groups/7,578 people
March	603 groups/22,640 people
April	693 groups/26,766 people

**STATE CAPITOL/VISITOR SERVICES SECTION
VISITATION, SCHEDULING, ORIENTATION, AND SPECIAL EVENTS
CALENDAR YEAR 2000**

Visitor Center

Visitors Served Onsite	73,603 people
Orientation Programs Given	1,634
Groups Scheduled	4,272 (160,747 people)
Group Tour Cancellations	293
Groups Re-scheduled*	699
Total Visitors Served by Center*	94,128 people

Executive Mansion

Group Tours Conducted	1,310 (27,791 people)
Garden Tours Conducted	50 (518 people)
Holiday Open House*	11,978 people
Total Visitors Served by the Mansion*	23,357

State Capitol

Visitors Served Onsite	104,534 people
Group Tours Conducted	2,080 (62,978 people)
Special Tours	19 (801 people)
Special Events	169 (53,630 people)
Total Served at Capitol*	75,261

Section

Off-site programming	11 (18,641 people)
----------------------	--------------------

TOTAL SERVED BY SECTION IN 2000*	210,872
---	----------------

*These figures only began to be compiled in July 2000.

1994 AND 2000 COMPARISONS

1994

2000

Total People Served	106,384	Total People Served	160,747
Total Groups Served	3,252	Total Groups Served	4,272

2001 FIGURES SO FAR

January	221 groups/8,148 people
February	198 groups/7,578 people
March	603 groups/22,640 people
April	693 groups/26,766 people

AGENDA

HOUSE COMMITTEE ON CULTURAL RESOURCES

August 1, 2001
Room 415 LOB
12:00 Noon

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HB 1271-N. C. NATIONAL HERITAGE AREA/COMMISSION
Representative Haire, Sponsor**
- VI. COMMENTS**
- V. ADJOURNMENT**

MINUTES
HOUSE COMMITTEE ON CULTURAL RESOURCES

AUGUST 1, 2001

The House Committee on Cultural Resources met August 1, 2001, at 12:00 noon in Room 415, Legislative Office Building. Representative Barefoot, Committee Chairman, called the meeting to order and declared a quorum. The following members were present: Representative Barefoot, Chair; Representative Adams, Vice Chair; and Representatives Buchanan, McLawhorn, Mitchell and Womble.

The agenda item was the consideration of House Bill 1271 – North Carolina National Heritage Area/Commission. Representative Haire, bill sponsor, was recognized to explain the bill. The bill would establish the National Heritage Area Designation Commission to seek designation by the United States Congress of the North Carolina Appalachian Heritage Area, consisting of 23 mountain countries in western North Carolina.

Representative Mitchell offered a technical amendment that named the 23 counties designated to be served by the Western North Carolina Regional Economic Development Commission and moved for its adoption. Motion adopted.

Mr. David Huskins, co-owner of the Smokey Mountain Inn, spoke in support of the bill stressing the importance of the economic value to the area.

Representative Womble asked what the cost would be to the state. It was anticipated that there would be no cost to the state.

Representative McLawhorn asked about the amount of federal money that could be expected. Mr. Huskins responded that federal funds matched locally raised funds.

Ms. Betsy Buford, Deputy Secretary for the Department of Cultural Resources, expressed the department's support for the bill and recommended that a legislative study commission study it. She said a study would take some of the planning burden from the local folks serving on the commission.

Others speaking in support of the bill were Lynn Minges with the North Carolina Department of Tourism and Richard Clark, Heritage Tourism Manager. Ms. Minges explained that tourism is a growth industry for North Carolina. Currently it is about a \$12 billion industry and generates \$1.1 billion in state and local tax revenue. She said the department promotes our

state heritage and culture that encompasses all one hundred counties of our state, not just tourism for the coast and the mountains as vacationland. This makes tourism a year-round industry, not just at vacation time.

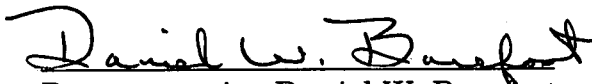
Richard Clark, Heritage Tourism Manager, informed the committee that he went to the National Heritage Area Annual Conference last year and found that it supports what the state already does in heritage tourism development, and he, too, supports the bill.

Chairman Barefoot then clarified the bill came to the committee after crossover and that there were no money provisions in the bill. If the committee wants to save the bill, it will have to find a way to try to do that and it might be that is has to be through a study commission. He then called on George Givens, legal staff to the committee, for a recommendation.

George Givens' recommendation was to incorporate Representative Mitchell's amendment into a proposed committee substitute and give the committee substitute a favorable report with the recommendation that it be referred to the Committee on Rules, Calendar and Operations of the House. The referral would be with the understanding the Rules Chairman incorporate the bill into the Studies Act.

Chairman Barefoot asked if that was Representative Buchanan's motion. Representative Buchanan said that it was. The vote was unanimous to give the motion a favorable report.

The meeting adjourned.


Representative Daniel W. Barefoot
Chairman


Anne M. Cole, Acting Committee Assistant

Attachments:

Agenda

House Bill 1271

Committee Substitute for HB 1271

Committee Report

Bill Summary

Amendment

Committee Handouts

Visitor Registration Sheet

AGENDA

HOUSE COMMITTEE ON CULTURAL RESOURCES

August 1, 2001
Room 415 LOB
12:00 Noon

- I. CALL TO ORDER**
- II. WELCOME**
- III. INTRODUCTIONS**
- IV. HB 1271-N. C. NATIONAL HERITAGE AREA/COMMISSION
Representative Haire, Sponsor**
- VI. COMMENTS**
- V. ADJOURNMENT**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1271

Short Title: N.C. National Heritage Area/Commission.

(Public)

Sponsors: Representatives Haire, Nesbitt (Primary Sponsors); Dedmon and Barefoot.

Referred to: Rules, Calendar, and Operations of the House.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NATIONAL HERITAGE AREA COMMISSION TO
SEEK THE DESIGNATION THROUGH THE UNITED STATES CONGRESS OF
THE NORTH CAROLINA APPALACHIAN HERITAGE AREA AS A
NATIONAL HERITAGE AREA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The General Assembly finds that the following physical and cultural features in the mountain region of Western North Carolina are of national significance:

- (1) The Great Smokies National Park is the most visited national park in America.
- (2) The Blue Ridge Parkway is the nation's longest scenic highway.
- (3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin timber in the eastern United States.
- (4) The Linville Gorge wilderness is the first wilderness in the eastern United States and the deepest gorge east of the Mississippi River.
- (5) Mt. Mitchell is the highest mountain in the eastern United States.
- (6) The New River is the second oldest river in the world and was designated as an American Heritage River in 1998.
- (7) The Fontana Dam is the highest in eastern America that was built by the Tennessee Valley Authority and is known as one of the country's greatest engineering feats in history.
- (8) Grandfather Mountain is the oldest mountain in the eastern United States, was designated as an International Biosphere Reserve by the United Nations, and is the only mountain that is privately owned.

- (9) The Cherokee Indian Qualla Boundary is the home of the Eastern Band of the Cherokee Indians, and the Trail of Tears is a National Heritage Trail.
- (10) Roan Mountain is the world's largest natural Catawba rhododendron garden.
- (11) The Appalachian Trail is the longest national hiking trail in the United States.
- (12) Whiteside Mountain has the highest cliffs of perpendicular bare rock east of the Rockies.
- (13) The Nantahala River is the most popular white water rafting river in America.
- (14) The Biltmore Estate is America's largest private residence.
- (15) The Cradle of Forestry is the first forestry school in America.
- (16) The Cherochala Skyway is a National Scenic Byway.
- (17) The Carl Sandburg Home is a National Historic Site.

SECTION 1.(b) The General Assembly further finds that:

- (1) The National Park Service's definition of a National Heritage Area is a place designated by Congress where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of the National Heritage Area by people whose traditions helped to shape the landscape enhances their significance.
- (2) Designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area would recognize the nationally distinctive landscape of this area and the role of this distinctive landscape in defining the collective American cultural landscape. The natural, cultural, historic, and recreation resources in this 23-county region combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make the mountain region of Western North Carolina representative of the national experience through the physical features that remain and the traditions that have evolved in the area. Continued use of this area by people whose traditions helped to shape the landscape enhances its significance.
- (3) Since 1916, the National Park Service has been the federal agency responsible for preserving nationally significant natural and historic resources for present and future generations.

(4) The National Park Service provides technical expertise to assist in all stages of the process for seeking designation as a National Heritage Area.

(5) Congress has designated 18 National Heritage Areas.

(6) Residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area are interested and committed to completing the suitability and feasibility study that must be completed prior to Congress's designating a National Heritage Area.

(7) The National Heritage Area designation by the United States Congress for the 23-county mountain region of Western North Carolina would help to preserve and celebrate the uniqueness of this area and its defining landscape in North Carolina and offers the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

SECTION 2.(a) The National Heritage Area Designation Commission is created. This Commission shall consist of 16 members, to be appointed as follows:

(1) Two members shall be appointed by the President Pro Tempore of the Senate.

(2) Two members shall be appointed by the Speaker of the House of Representatives.

(3) Two members shall be appointed by the Governor.

(4) One member shall be appointed by the Lieutenant Governor.

(5) One member shall be appointed by the Commissioner of Agriculture.

(6) One member shall be appointed by the Secretary of Cultural Resources.

(7) One member shall be appointed by the Secretary of Commerce.

(8) Three members shall be appointed by the Western North Carolina Regional Economic Development Commission, created in G.S. 158-8.1.

(9) Three members shall be appointed by the regional host organizations: one member from the Blue Ridge Mountain Host, Inc., one member from the North Carolina High Country Host, Inc., and one member from the Smoky Mountain Hosts of North Carolina, Inc.

SECTION 2.(b) In addition, the following five individuals shall serve as ex-officio, nonvoting members of the Commission:

(1) The Superintendent of the Great Smoky Mountains National Park.

(2) The Superintendent of the Blue Ridge Parkway.

(3) The District Supervisor of each of the following: the Pisgah National Forest, the Nantahala National Forest, and the Cherokee National Forest.

1 **SECTION 2.(c)** The National Heritage Area Designation Commission shall
2 seek designation by the United States Congress of the North Carolina Appalachian
3 Heritage Area, the 23-county mountain region of Western North Carolina, as a National
4 Heritage Area. The Commission also shall develop and complete a suitability and
5 feasibility study, a critical step prior to Congress's designating a National Heritage Area.
6 The Commission shall elicit public involvement in the study and interest and
7 commitment in the proposal by residents, business interests, nonprofit organizations,
8 and governments within the proposed National Heritage Area.

9 **SECTION 2.(d)** The Speaker of the House of Representatives shall select
10 one member to serve as cochair. The President Pro Tempore of the Senate shall select
11 one member to serve as cochair. A majority of the Commission shall constitute a
12 quorum for the transaction of business.

13 **SECTION 2.(e)** Members initially appointed under subdivisions (1), (4), (5),
14 (6), and (8) of subsection (a) of this section shall serve a one-year term. All other
15 members under subsection (a) of this section shall serve a two-year term. Commission
16 members who are also General Assembly members may complete a term of service on
17 the Commission even if they do not seek reelection or are not reelected to the General
18 Assembly, but resignation or removal from service in the General Assembly shall result
19 in removal from the Commission. A member continues to serve until a successor is
20 appointed. A vacancy shall be filled within 30 days and shall be filled by the same
21 appointing officer who made the original appointment. Members of the Commission
22 who are State employees shall receive travel expenses under G.S. 138-6. Other
23 members of the Commission shall receive travel expenses under G.S. 138-5.

24 **SECTION 2.(f)** Notwithstanding G.S. 158-8.1, the Western North Carolina
25 Regional Economic Development Commission shall provide administrative and funding
26 support to the National Heritage Area Designation Commission.

27 **SECTION 3.** Notwithstanding G.S. 158-8.1, the Western North Carolina
28 Regional Economic Development Commission shall develop a regional heritage tourism
29 plan and shall present the plan to the 2002 Regular Session of the 2001 General
30 Assembly no later than May 1, 2002.

31 **SECTION 4.** This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1271
PROPOSED COMMITTEE SUBSTITUTE H1271-PCS9328-RT-58

Short Title: N.C. National Heritage Area/Commission.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NATIONAL HERITAGE AREA COMMISSION TO
SEEK THE DESIGNATION THROUGH THE UNITED STATES CONGRESS OF
THE NORTH CAROLINA APPALACHIAN HERITAGE AREA AS A
NATIONAL HERITAGE AREA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The General Assembly finds that the following physical and
cultural features in the mountain region of Western North Carolina are of national
significance:

- (1) The Great Smokies National Park is the most visited national park in America.
- (2) The Blue Ridge Parkway is the nation's longest scenic highway.
- (3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin timber in the eastern United States.
- (4) The Linville Gorge wilderness is the first wilderness in the eastern United States and the deepest gorge east of the Mississippi River.
- (5) Mt. Mitchell is the highest mountain in the eastern United States.
- (6) The New River is the second oldest river in the world and was designated as an American Heritage River in 1998.
- (7) The Fontana Dam is the highest in eastern America that was built by the Tennessee Valley Authority and is known as one of the country's greatest engineering feats in history.
- (8) Grandfather Mountain is the oldest mountain in the eastern United States, was designated as an International Biosphere Reserve by the United Nations, and is the only mountain that is privately owned.
- (9) The Cherokee Indian Qualla Boundary is the home of the Eastern Band of the Cherokee Indians, and the Trail of Tears is a National Heritage Trail.

- (10) Roan Mountain is the world's largest natural Catawba rhododendron garden.
- (11) The Appalachian Trail is the longest national hiking trail in the United States.
- (12) Whiteside Mountain has the highest cliffs of perpendicular bare rock east of the Rockies.
- (13) The Nantahala River is the most popular white-water rafting river in America.
- (14) The Biltmore Estate is America's largest private residence.
- (15) The Cradle of Forestry is the first forestry school in America.
- (16) The Cherohala Skyway is a National Scenic Byway.
- (17) The Carl Sandburg Home is a National Historic Site.

SECTION 1.(b) The General Assembly further finds that:

- (1) The National Park Service's definition of a National Heritage Area is a place designated by Congress where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of the National Heritage Area by people whose traditions helped to shape the landscape enhances their significance.
- (2) Designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area would recognize the nationally distinctive landscape of this area and the role of this distinctive landscape in defining the collective American cultural landscape. The natural, cultural, historic, and recreation resources in this 23-county region combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make the mountain region of Western North Carolina representative of the national experience through the physical features that remain and the traditions that have evolved in the area. Continued use of this area by people whose traditions helped to shape the landscape enhances its significance.
- (3) Since 1916, the National Park Service has been the federal agency responsible for preserving nationally significant natural and historic resources for present and future generations.
- (4) The National Park Service provides technical expertise to assist in all stages of the process for seeking designation as a National Heritage Area.
- (5) Congress has designated 18 National Heritage Areas.

(6) Residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area are interested and committed to completing the suitability and feasibility study that must be completed prior to Congress's designating a National Heritage Area.

(7) The National Heritage Area designation by the United States Congress for the 23-county mountain region of Western North Carolina would help to preserve and celebrate the uniqueness of this area and its defining landscape in North Carolina and offers the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

SECTION 1.(c) As used in this act, "23-county mountain region" means the following 23 counties, which are the counties designated to be served by the Western North Carolina Regional Economic Development Commission under G.S. 158-8.1: Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes, and Yancey.

SECTION 2.(a) The National Heritage Area Designation Commission is created. This Commission shall consist of 16 members, to be appointed as follows:

- (1) Two members shall be appointed by the President Pro Tempore of the Senate.
- (2) Two members shall be appointed by the Speaker of the House of Representatives.
- (3) Two members shall be appointed by the Governor.
- (4) One member shall be appointed by the Lieutenant Governor.
- (5) One member shall be appointed by the Commissioner of Agriculture.
- (6) One member shall be appointed by the Secretary of Cultural Resources.
- (7) One member shall be appointed by the Secretary of Commerce.
- (8) Three members shall be appointed by the Western North Carolina Regional Economic Development Commission, created in G.S. 158-8.1.
- (9) Three members shall be appointed by the regional host organizations: one member from the Blue Ridge Mountain Host, Inc., one member from the North Carolina High Country Host, Inc., and one member from the Smoky Mountain Hosts of North Carolina, Inc.

SECTION 2.(b) In addition, the following five individuals shall serve as ex officio, nonvoting members of the Commission:

- (1) The Superintendent of the Great Smoky Mountains National Park.
- (2) The Superintendent of the Blue Ridge Parkway.

(3) The District Supervisor of each of the following: the Pisgah National Forest, the Nantahala National Forest, and the Cherokee National Forest.

SECTION 2.(c) The National Heritage Area Designation Commission shall seek designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area. The Commission also shall develop and complete a suitability and feasibility study, a critical step prior to Congress's designating a National Heritage Area. The Commission shall elicit public involvement in the study and interest and commitment in the proposal by residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area.

SECTION 2.(d) The Speaker of the House of Representatives shall select one member to serve as cochair. The President Pro Tempore of the Senate shall select one member to serve as cochair. A majority of the Commission shall constitute a quorum for the transaction of business.

SECTION 2.(e) Members initially appointed under subdivisions (1), (4), (5), (6), and (8) of subsection (a) of this section shall serve a one-year term. All other members under subsection (a) of this section shall serve a two-year term. Commission members who are also General Assembly members may complete a term of service on the Commission even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly shall result in removal from the Commission. A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days and shall be filled by the same appointing officer who made the original appointment. Members of the Commission who are State employees shall receive travel expenses under G.S. 138-6. Other members of the Commission shall receive travel expenses under G.S. 138-5.

SECTION 2.(f) Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall provide administrative and funding support to the National Heritage Area Designation Commission.

SECTION 3. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Barefoot** (Chair) for the Committee on **CULTURAL RESOURCES.**

☐ Committee Substitute for

H.B. 1271 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NATIONAL HERITAGE AREA COMMISSION TO SEEK THE DESIGNATION THROUGH THE UNITED STATES CONGRESS OF THE NORTH CAROLINA APPALACHIAN HERITAGE AREA AS A NATIONAL HERITAGE AREA.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on RULES, CALENDAR AND OPERATIONS OF THE HOUSE.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01



HOUSE BILL 1271: N.C. National Heritage Area / Commission

BILL ANALYSIS

Committee: House Cultural Resources
Date: August 1, 2001
Version: First Edition

Introduced by: Representatives Haire and Nesbitt
Summary by: Tim Dodge
Research Assistant

SUMMARY: *House Bill 1271 would establish the National Heritage Area Designation Commission (Commission) to seek designation by the United States Congress of the North Carolina Appalachian Heritage Area, consisting of 23 mountain counties in western North Carolina. The bill sets out appointment of 16 Commission members and lists 5 ex-officio nonvoting members. The Commission is directed to develop a suitability and feasibility study within the 23-county area. The Western North Carolina Regional Economic Development Commission would provide administrative and funding support to the Commission, and would also develop a regional heritage tourism plan. The plan would be submitted to the 2002 Regular Session of the 2001 General Assembly by May 1, 2002.*

The bill would become effective when it becomes law.

CURRENT LAW: The Western North Carolina Regional Economic Development Commission, established under G.S. 158-8.1, consists of Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey Counties.

BILL ANALYSIS:

Creation of National Heritage Area Designation Commission:

The bill would establish the National Heritage Area Designation Commission (Commission) to seek designation by the U.S. Congress of the North Carolina Appalachian Heritage Area, consisting of the 23 mountain counties listed above. The Commission would consist of 16 members appointed by members of State government and various regional organizations. The Speaker of the House of Representatives and the President Pro Tempore of the Senate would each appoint a co-chair of the Commission. Five members representing the National Park Service and the United States Forest Service would serve as ex-officio, nonvoting members of the Commission.

Powers and Duties of Commission:

The Commission would be responsible for developing a suitability and feasibility study, a required step in the process of designation as a National Heritage Area.

Role of the Western North Carolina Regional Economic Development Commission:

The Western North Carolina Regional Economic Development Commission is directed to provide administrative and funding support to the Commission. The Western North Carolina Regional Economic Development Commission is also directed to develop a regional heritage tourism plan. The plan would be presented to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1271

H1271-ART-27 [v.4]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 2

Date _____, 2001

Comm. Sub. [NO]
Amends Title [NO]

Representative

M. F. Felt

1 moves to amend the bill on page 3, between lines 15 and 16,
2 by inserting:

3
4 "SECTION 1.(c) As used in this act, '23-county mountain region' means the
5 following 23 counties, which are the counties designated to be served by the Western
6 North Carolina Regional Economic Development Commission under G.S. 158-8.1:
7 Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham,
8 Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk,
9 Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey." and

10
11 on page 4, line 31,
12 by rewriting that line to read:

13
14 "SECTION 4. This act is effective when it becomes law."



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1271

H1271-ART-27 [v.4]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

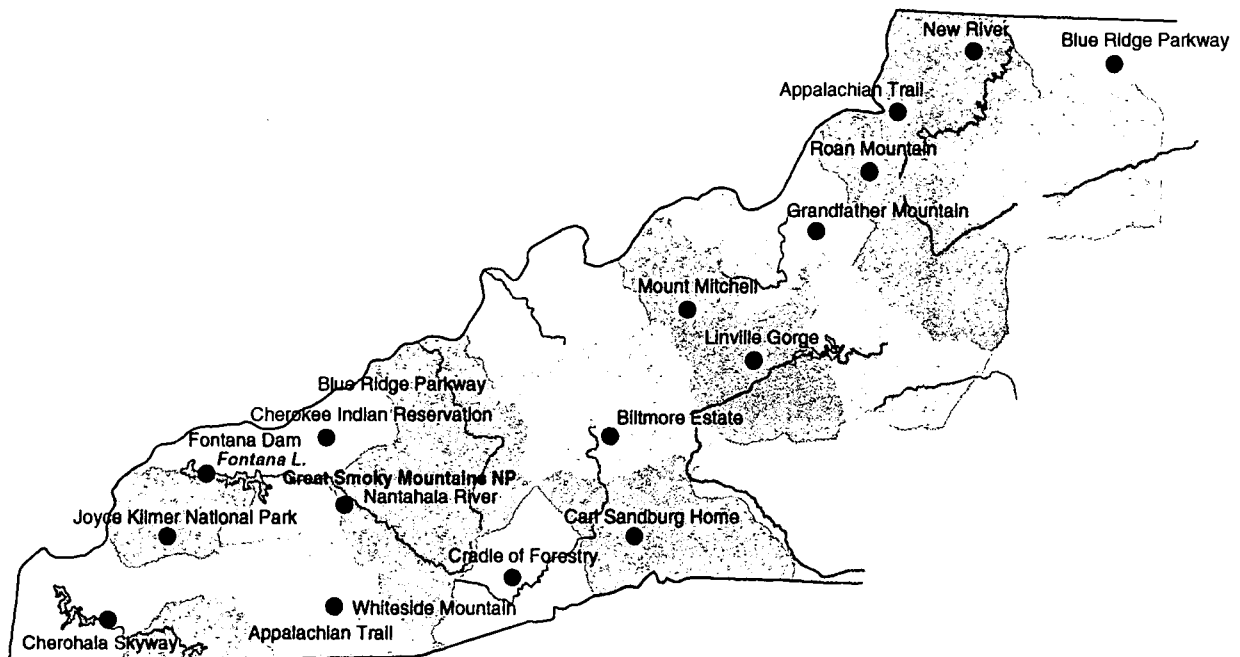
Page 2 of 2

SIGNED W. F. Mitchell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

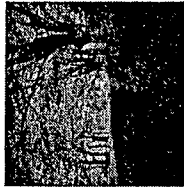
ADOPTED 1 Aug 2001 FAILED _____ TABLED _____

North Carolina's National Treasures Trail



Representative
Phil Haire


ADVANTAGEWEST
NORTH CAROLINA



national heritage areas

National Park Service

Program in Brief

Visit the Areas!

Frequently Asked Questions

Contact List

Legislative Citations

Home

► Search NPS

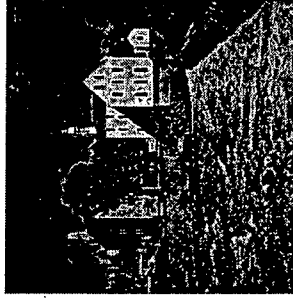
Frequently Asked Questions

Q. What is a "National Heritage Area"?

A. A "National Heritage Area" is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation which seeks to preserve and celebrate many of America's defining landscapes.

Q. Why do communities benefit from



Slater's Mill
John H. Chafee Blackstone River
Valley National Heritage Area,
Pawtucket, RI

Q. What is a "heritage area"?

A. The culture of a community is shaped by the local environment and topography, and the patterns of human activity which define

designation as a "heritage area"?

A. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and its interest in seeing them retained along with the evidence of them as projected by generations of activity on the landscape.

Preserving the integrity of the cultural landscape and local stories means that future generations of the community will be able to understand and define who they are, where they come from, and what ties them to their home.

Heritage areas thus offer the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

Q. Why do some communities get to be National Heritage Areas?

A. The designation of a "National Heritage Area" is a recognition of a community's efforts to identify its natural and cultural resources which define its sense of place, and its stories. Designation recognizes nationally distinctive landscapes, and the role of these distinctive landscapes in defining the collective American cultural landscape. Designation as a "National Heritage Area" also provides important recognition of

that culture are recorded on the land. Thus, a "cultural landscape" arises, reflecting this ongoing interrelationship between people and the land.

Many of our nation's unique cultural landscapes now face irrevocable alteration through development or neglect. The heritage area concept offers an innovative method for citizens, in partnership with local, state, and Federal government, and nonprofit and private sector interests, to develop a plan and an

implementation strategy focused on conserving the special qualities of the local cultural landscape.

Heritage areas can be designated locally, or as part of a State or Federal system of heritage areas.

local community-based efforts to preserve this distinctive character.

Q. What are the benefits of a partnership to conserve heritage areas?

A. The partnership approach generates opportunities for creative input on the desired future of a community from a broad range of constituents and their diverse perspectives. Participation in a collaborative exercise of idea sharing and planning fosters a spirit of cooperation capable of uniting the many voices of a community into pursuit of a common cause. The participants are able to continually refresh their own perspective on the sense of place they seek to preserve. This assures the availability of a greater number of tools for meeting the heritage area goals.

Association with the National Park Service makes available significant technical expertise to assist with all stages of this process, from the identification of important resources to planning for preservation, interpretation and the education of future generations.

Q. Why is the National Park Service involved?

A. Since 1916, the National Park Service has been the Federal agency responsible for preserving nationally significant natural and historic resources for present and future generations. Heritage Areas are one way in which the Park Service can carry out this mission, by assisting the voluntary efforts of citizens to protect a local cultural landscape. Through the conservation of discrete, intact cultural landscapes, the National Park Service seeks to preserve, in partnership with the local citizenry, a portion of the patchwork of American landscapes which helps to define the nationally significant American identity.

Q. How are National Heritage Areas managed and what is the role of the Federal Government?

A. There are four parts to this answer.

Management Entity

The management entity may be a State or local agency, a commission, or a private nonprofit corporation. The management entity is empowered to create a management plan for the heritage area, and is authorized to received Federal funds on the area's behalf.

Management Plan

The management plan describes the ways the management entity and other interested participants within the heritage area can work together toward the fulfillment of their common vision. Typical actions suggested by a management plan might include developing a visitor's guide publication, rehabilitating an important building or site, or creating a walking trail through an important area.

Local Control

The authority to implement the management plan rests in the hands of local officials; no management entity, nor any Federal agency, is given the authority by the enabling legislation to regulate land. The management entity is also usually prohibited from using the Federal funds it receives through enabling legislation to acquire real property.

Compact or Cooperative Agreement

After a heritage area is designated by Congress, National Park Service staff are enlisted as partners with local community activists in organizing and planning a heritage area, and enter into a "compact" with the local parties. The compact is a statement of assent to mutually shared goals, and also serves as the legal vehicle through which Federal funds can be passed to non-governmental management entities. Involving the National Park Service in the National Heritage Area draws on the expertise in historic preservation, interpretation and natural resource conservation within the National Park Service. National Park Service involvement is always advisory in nature; the National Park Service neither makes nor carries out management decisions.

Q. What is the process for establishing a new National Heritage Area?

A. On October 26, 1999, the National Park Service testified at a hearing before the House Subcommittee on National Parks and Public Lands, Committee on Resources. The testimony outlines the National Park Service's policy for establishing new National Heritage Areas.

For More Information

If you have further questions on National Heritage Areas, E-Mail, or contact: Department of the Interior, National Park Service - National Heritage Areas, Mail Stop 3622-MIB, 1849 C Street, NW, Washington, DC 20240; phone 202-565-1182.

Helen Scully
Brenda Barrett

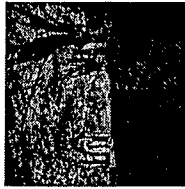
Top of page

Program in Brief | Visit the Areas! | FAQ | Contact List | Legislative Citations
Home

Last Modified: Thu, Apr 13 2000 03:26:46 pm EDT

E-mail helen_scully@nps.gov





national heritage areas

National Park Service

Program in Brief

Visit the Areas!

Frequently Asked Questions

Contact List

Legislative Initiatives

Home

► Search NPS

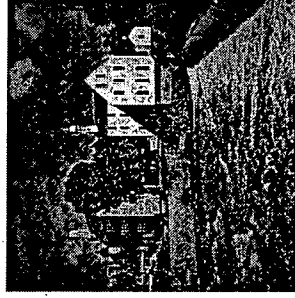
Frequently Asked Questions

Q. What is a "National Heritage Area"?

A. A "National Heritage Area" is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation which seeks to preserve and celebrate many of America's defining landscapes.

Q. Why do communities benefit from



Slater's Mill
John H. Chafee Blackstone River
Valley National Heritage Area,
Pawtucket, RI

Q. What is a "heritage area"?

A. The culture of a community is shaped by the local environment and topography, and the patterns of human activity which define

designation as a "heritage area"?

A. Heritage conservation efforts are grounded in a community's pride in its history and traditions, and its interest in seeing them retained along with the evidence of them as projected by generations of activity on the landscape.

Preserving the integrity of the cultural landscape and local stories means that future generations of the community will be able to understand and define who they are, where they come from, and what ties them to their home.

Heritage areas thus offer the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

Q. Why do some communities get to be National Heritage Areas?

A. The designation of a "National Heritage Area" is a recognition of a community's efforts to identify its natural and cultural resources which define its sense of place, and its stories. Designation recognizes nationally distinctive landscapes, and the role of these distinctive landscapes in defining the collective American cultural landscape. Designation as a "National Heritage Area" also provides important recognition of

that culture are recorded on the land. Thus, a "cultural landscape" arises, reflecting this ongoing interrelationship between people and the land.

Many of our nation's unique cultural landscapes now face irrevocable alteration through development or neglect. The heritage area concept offers an innovative method for citizens, in partnership with local, state, and Federal government, and nonprofit and private sector interests, to develop a plan and an

implementation strategy focused on conserving the special qualities of the local cultural landscape.

Heritage areas can be designated locally, or as part of a State or Federal system of heritage areas.

local community-based efforts to preserve this distinctive character.

Q. What are the benefits of a partnership to conserve heritage areas?

A. The partnership approach generates opportunities for creative input on the desired future of a community from a broad range of constituents and their diverse perspectives. Participation in a collaborative exercise of idea sharing and planning fosters a spirit of cooperation capable of uniting the many voices of a community into pursuit of a common cause. The participants are able to continually refresh their own perspective on the sense of place they seek to preserve. This assures the availability of a greater number of tools for meeting the heritage area goals.

Association with the National Park Service makes available significant technical expertise to assist with all stages of this process, from the identification of important resources to planning for preservation, interpretation and the education of future generations.

Q. Why is the National Park Service involved?

A. Since 1916, the National Park Service has been the Federal agency responsible for preserving nationally significant natural and historic resources for present and future generations. Heritage Areas are one way in which the Park Service can carry out this mission, by assisting the voluntary efforts of citizens to protect a local cultural landscape. Through the conservation of discrete, intact cultural landscapes, the National Park Service seeks to preserve, in partnership with the local citizenry, a portion of the patchwork of American landscapes which helps to define the nationally significant American identity.

Q. How are National Heritage Areas managed and what is the role of the Federal Government?

A. There are four parts to this answer.

Management Entity

The management entity may be a State or local agency, a commission, or a private nonprofit corporation. The management entity is empowered to create a management plan for the heritage area, and is authorized to received Federal funds on the area's behalf.

Management Plan

The management plan describes the ways the management entity and other interested participants within the heritage area can work together toward the fulfillment of their common vision. Typical actions suggested by a management plan might include developing a visitor's guide publication, rehabilitating an important building or site, or creating a walking trail through an important area.

Local Control

The authority to implement the management plan rests in the hands of local officials; no management entity, nor any Federal agency, is given the authority by the enabling legislation to regulate land. The management entity is also usually prohibited from using the Federal funds it receives through enabling legislation to acquire real property.

Compact or Cooperative Agreement

After a heritage area is designated by Congress, National Park Service staff are enlisted as partners with local community activists in organizing and planning a heritage area, and enter into a "compact" with the local parties. The compact is a statement of assent to mutually shared goals, and also serves as the legal vehicle through which Federal funds can be passed to non-governmental management entities. Involving the National Park Service in the National Heritage Area draws on the expertise in historic preservation, interpretation and natural resource conservation within the National Park Service. National Park Service involvement is always advisory in nature; the National Park Service neither makes nor carries out management decisions.

Q. What is the process for establishing a new National Heritage Area?

A. On October 26, 1999, the National Park Service testified at a hearing before the House Subcommittee on National Parks and Public Lands, Committee on Resources. The testimony outlines the National Park Service's policy for establishing new National Heritage Areas.

For More Information

If you have further questions on National Heritage Areas, E-Mail, or contact: Department of the Interior, National Park Service - National Heritage Areas, Mail Stop 3622-MIB, 1849 C Street, NW, Washington, DC 20240; phone 202-565-1182.

Helen Scully

[Top of page](#)

Brenda Barrett

[Program in Brief](#) | [Visit the Areas](#) | [FAQ](#) | [Contact List](#) | [Legislative Citations](#)
[Home](#)

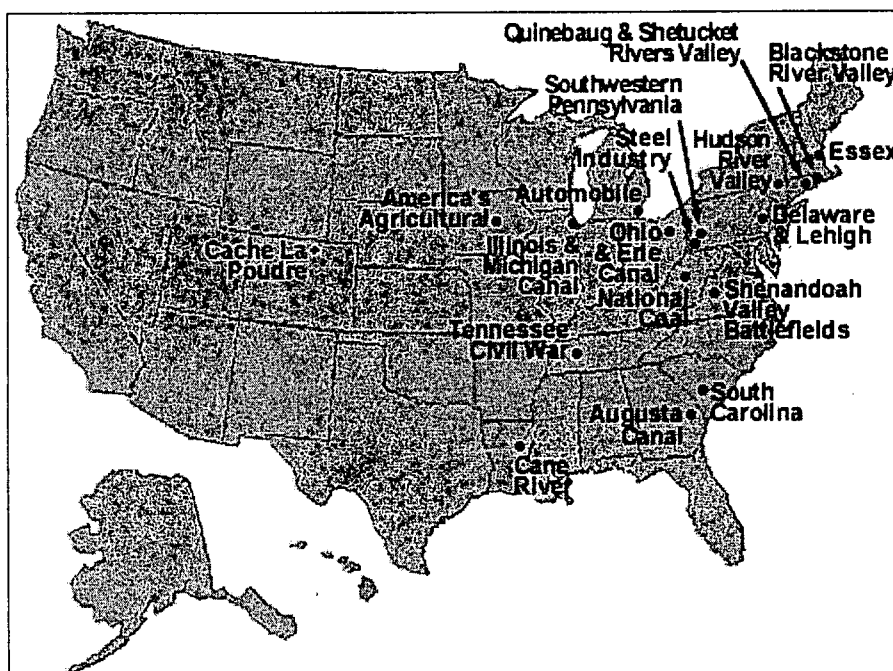
Last Modified: Thu, Apr 13 2000 03:26:46 pm EDT

E-mail helen_scully@nps.gov



LIST OF NATIONAL HERITAGE AREAS

National Heritage Areas	State	Date Authorized
<u>Illinois & Michigan National Heritage Corridor</u>	IL	Aug 24, 1984
<u>John H. Chafee Blackstone River Valley National Heritage Corridor</u>	MA, RI	Nov 10, 1986
<u>Delaware & Lehigh National Heritage Corridor</u>	PA	Nov 18, 1988
<u>Southwestern Pennsylvania Industrial Heritage Route (Path of Progress)</u>	PA	Nov 19, 1988
<u>Cane River National Heritage Area</u>	LA	Nov 2, 1994
<u>Quinebaug & Shetucket Rivers Valley National Heritage Corridor</u>	CT, MA	Nov 2, 1994
<u>Cache La Poudre River Corridor</u>	CO	Oct 19, 1996
<u>America's Agricultural Heritage Partnership (Silos & Smokestacks)</u>	IA	Nov 12, 1996
<u>Augusta Canal National Heritage Area</u>	GA	Nov 12, 1996
<u>Essex National Heritage Area</u>	MA	Nov 12, 1996
<u>Hudson River Valley National Heritage Area</u>	NY	Nov 12, 1996
<u>National Coal Heritage Area</u>	WV	Nov 12, 1996
<u>Ohio & Erie Canal National Heritage Corridor</u>	OH	Nov 12, 1996
<u>Rivers of Steel National Heritage Area</u>	PA	Nov 12, 1996
<u>Shenandoah Valley Battlefields National Historic District Commission</u>	VA	Nov 12, 1996
<u>South Carolina National Heritage Corridor</u>	SC	Nov 12, 1996
<u>Tennessee Civil War Heritage Area</u>	TN	Nov 12, 1996
<u>Automobile National Heritage Area</u>	MI	Nov 6, 1998



VISITOR REGISTRATION SHEET

CULTURAL RESOURCES

August 1, 2001

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

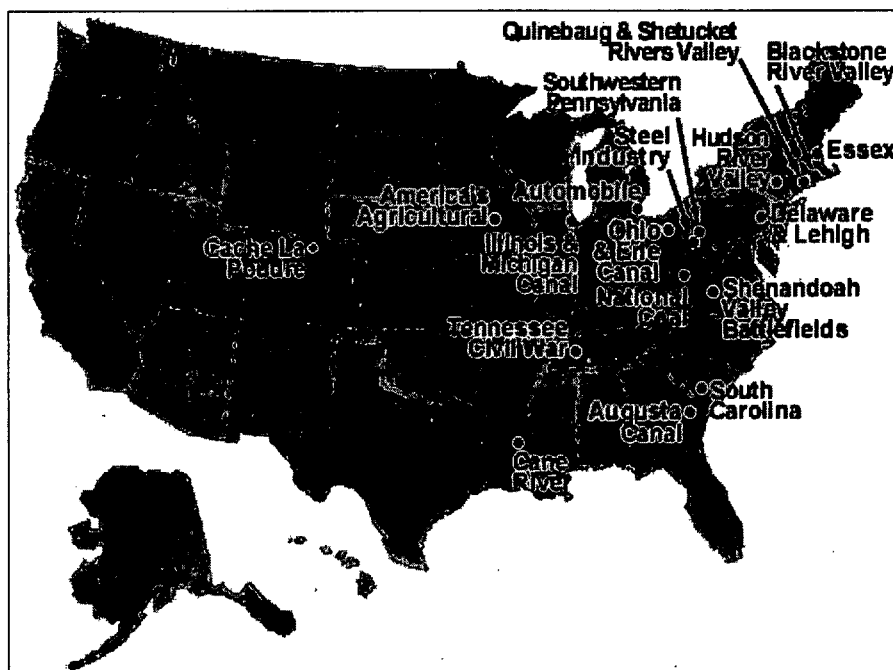
NAME

FIRM OR AGENCY AND ADDRESS

David Weiss	ACLU
RICHARD CLARK	Commerce, DEU of TOURISM
Ray Richardson	Commerce, Div of Tourism (Intern NCSU)
Ken Molton	Alley Associates, INC
DAVID HUSKINS	SMI
Lynn Minges	NC Tourism
Bilby Buford	DCR
Nonna Rosefield	DCR
Laura DeVivo	DCR

LIST OF NATIONAL HERITAGE AREAS

National Heritage Areas	State	Date Authorized
♣ <u>Illinois & Michigan National Heritage Corridor</u>	IL	Aug 24, 1984
♣ <u>John H. Chafee Blackstone River Valley National Heritage Corridor</u>	MA, RI	Nov 10, 1986
♣ <u>Delaware & Lehigh National Heritage Corridor</u>	PA	Nov 18, 1988
♣ <u>Southwestern Pennsylvania Industrial Heritage Route (Path of Progress)</u>	PA	Nov 19, 1988
♣ <u>Cane River National Heritage Area</u>	LA	Nov 2, 1994
♣ <u>Quinebaug & Shetucket Rivers Valley National Heritage Corridor</u>	CT, MA	Nov 2, 1994
♣ <u>Cache La Poudre River Corridor</u>	CO	Oct 19, 1996
♣ <u>America's Agricultural Heritage Partnership (Silos & Smokestacks)</u>	IA	Nov 12, 1996
♣ <u>Augusta Canal National Heritage Area</u>	GA	Nov 12, 1996
♣ <u>Essex National Heritage Area</u>	MA	Nov 12, 1996
♣ <u>Hudson River Valley National Heritage Area</u>	NY	Nov 12, 1996
♣ <u>National Coal Heritage Area</u>	WV	Nov 12, 1996
♣ <u>Ohio & Erie Canal National Heritage Corridor</u>	OH	Nov 12, 1996
♣ <u>Rivers of Steel National Heritage Area</u>	PA	Nov 12, 1996
♣ <u>Shenandoah Valley Battlefields National Historic District Commission</u>	VA	Nov 12, 1996
♣ <u>South Carolina National Heritage Corridor</u>	SC	Nov 12, 1996
♣ <u>Tennessee Civil War Heritage Area</u>	TN	Nov 12, 1996
♣ <u>Automobile National Heritage Area</u>	MI	Nov 6, 1998



Box Contents

2001-02 Standing Committee Minutes (Item 25894)

Box 12

1. 2001 House Economic Growth & Community Development
2. 2001-02 House Education
3. 2001 House Education – Community Colleges
4. 2001 House Education – Preschool, Elem., & Secondary
5. 2001 House Education – Universities
6. 2001 House Election Law & Campaign Finance
7. 2002 House Election Law & Campaign Finance
8. 2001 House Environment & Natural Resources
9. 2002 House Environment & Natural Resources
10. 2001-02 House Financial Institutions