

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

1

SENATE BILL 354

Short Title: Restore Funding/State Conservation Purposes. (Public)

Sponsors: Senators Lee, Ballard, and Lazzara (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE THE USE OF PROCEEDS FROM THE DEED STAMP EXCISE TAX
3 TO THE ORIGINAL PURPOSE OF LAND CONSERVATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 105-228.30 reads as rewritten:
6 "**§ 105-228.30. Imposition of excise tax; distribution of proceeds.**

7 ...
8 (b) The register of deeds of each county must remit the proceeds of the tax levied by this
9 section to the county finance officer. The finance officer of each county must credit one-half of
10 the proceeds to the county's general fund and remit the remaining one-half of the proceeds, less
11 taxes refunded and the county's allowance for administrative expenses, to the Department of
12 Revenue on a monthly basis. A county may retain two percent (2%) of the amount of tax proceeds
13 allocated for remittance to the Department of Revenue as compensation for the county's cost in
14 collecting and remitting the State's share of the tax. ~~The Department of Revenue shall credit the~~
15 ~~funds remitted to the Department of Revenue under this subsection to the General Fund.~~ Of the
16 funds remitted to it pursuant to this section, the Department of Revenue shall credit thirty percent
17 (30%) to the Parks and Recreation Trust Fund established under G.S. 143B-135.56, thirty percent
18 (30%) to the Land and Water Fund established under G.S. 143B-135.234, thirty percent (30%)
19 to the Coastal Storm Damage Mitigation Fund established under G.S. 143-215.73M, and ten
20 percent (10%) to the North Carolina Agricultural Development and Farmland Preservation Trust
21 Fund established under G.S. 106-744."

22 **SECTION 2.** G.S. 143B-135.56(a) reads as rewritten:

23 "(a) Fund Created. – There is established a Parks and Recreation Trust Fund in the State
24 Treasurer's Office. The Trust Fund shall be a special revenue fund consisting of donations, gifts,
25 and devises to the Trust ~~Fund~~ Fund, monies credited to the Trust Fund pursuant to
26 G.S. 105-228.30(b), and other monies appropriated to the Trust Fund by the General Assembly."

27 **SECTION 3.** G.S. 143B-135.234(a) reads as rewritten:

28 "(a) Fund Established. – The Clean Water Management Trust Fund is established as a
29 special revenue fund to be administered by the Department of Natural and Cultural Resources.
30 The Clean Water Management Trust Fund shall also be known as the "Land and Water Fund."
31 The Fund receives revenue from the following sources and may receive revenue from other
32 sources:

- 33 (1) Annual appropriations.
34 (2) Special registration plates under G.S. 20-81.12.
35 (3) Other special registration plates under G.S. 20-79.7.



- 1 (4) Hazard mitigation funds from the Federal Emergency Management Agency
- 2 and other agencies.
- 3 (5) The excise tax on conveyances levied pursuant to Article 8E of Chapter 105
- 4 of the General Statutes."

5 **SECTION 4.** G.S. 106-744(c) reads as rewritten:

6 "(c) There is established a "North Carolina Agricultural Development and Farmland
7 Preservation Trust Fund" to be administered by the Commissioner of Agriculture. The Trust Fund
8 shall consist of all monies received for the purpose of purchasing agricultural conservation
9 easements or funding programs that promote the development and sustainability of farming and
10 assist in the transition of existing farms to new farm families, ~~or~~ monies transferred from counties
11 or private ~~sources.~~ sources, or monies credited to the Trust Fund pursuant to G.S. 105-228.30(b).
12 The Trust Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The
13 Commissioner shall use Trust Fund monies for any of the following purposes:

14 "

15 **SECTION 5.** This act becomes effective July 1, 2021.