

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 883

Short Title: Parks Authority/Trust Funds.

(Public)

Sponsors: Senator Sherron.

Referred to: Appropriations

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA PARKS AND RECREATION AUTHORITY AND TO DEDICATE FUNDS TO THE PARKS AND RECREATION TRUST FUND AND TO THE NATURAL HERITAGE TRUST FUND.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

**"PART 13A. NORTH CAROLINA PARKS AND RECREATION AUTHORITY.**  
**"§ 143B-313.1. North Carolina Parks and Recreation Authority; creation; powers and duties.**

The North Carolina Parks and Recreation Authority is created, to be administered by the Department of Environment, Health, and Natural Resources. The North Carolina Parks and Recreation Authority shall have at least the following powers and duties:

- (1) To receive public and private donations, appropriations, grants, and revenues for deposit into the Parks and Recreation Trust Fund.
- (2) To issue revenue bonds of the North Carolina Parks and Recreation Authority, subject to the approval of the General Assembly or the State Treasurer, to finance land acquisition, capital repairs, improvements, or construction for all the parks and recreation areas that are not leased.

1           (3)    To allocate funds for land acquisition from the Parks and Recreation  
2           Trust Fund.

3           (4)    To allocate funds for repairs, renovations, improvements, construction,  
4           and other capital projects from the Parks and Recreation Trust Fund.

5           (5)    To solicit financial and material support from public and private  
6           sources.

7           (6)    To develop effective public and private support for the programs and  
8           operations of the parks and recreation areas.

9           (7)    To consider and advise the Secretary of Environment, Health, and  
10          Natural Resources on any matter the Secretary may refer to the North  
11          Carolina Parks and Recreation Authority.

12 **"§ 143B-313.2. North Carolina Parks and Recreation Authority; members;**  
13 **selection; compensation; meetings.**

14       (a)    The North Carolina Parks and Recreation Authority shall consist of nine  
15 members. The members shall include persons who are knowledgeable about park and  
16 recreation issues in North Carolina or with expertise in finance. Three members shall be  
17 appointed by the Governor, three members shall be appointed by the Speaker of the  
18 House of Representatives, and three members shall be appointed by the President Pro  
19 Tempore of the Senate. The members shall serve at the pleasure of the appointing  
20 authority. The Governor shall appoint one of the members to be Chair of the North  
21 Carolina Parks and Recreation Authority. Vacancies shall be appointed by the original  
22 appointing authority, and the term shall be for the balance of the unexpired term. The  
23 North Carolina Parks and Recreation Authority shall meet at a time and place as  
24 designated by the Chair, but no less than on a quarterly basis.

25       (b)    Members shall serve two-year terms. Members shall serve no more than two  
26 two-year terms.

27       (c)    The members of the North Carolina Parks and Recreation Authority shall  
28 receive per diem and necessary travel and subsistence expenses according to the  
29 provisions of G.S. 138-5.

30       (d)    A majority of the North Carolina Parks and Recreation Authority shall  
31 constitute a quorum for the transaction of business.

32       (e)    All clerical and other services required by the North Carolina Parks and  
33 Recreation Authority shall be provided by the Secretary of Environment, Health, and  
34 Natural Resources."

35            Sec. 2. G.S. 113-44.15 reads as rewritten:

36 **"§ 113-44.15. Parks and Recreation Trust Fund.**

37       (a)    There is established a Parks and Recreation Trust Fund in the State Treasurer's  
38 Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts  
39 and grants to the Trust Fund Fund, monies credited to the Trust Fund pursuant to G.S.  
40 105-228.30(b), and other monies appropriated to ~~the Trust Fund~~ by the General  
41 Assembly.

42       It is the intent of the General Assembly to dedicate an amount equal to seventy five  
43 percent (75%) of the State's share of the deed stamp tax levied pursuant to G.S. 105-

1 ~~228.30 to the Parks and Recreation Trust Fund and an additional amount equal to ten~~  
2 ~~percent (10%) of the State's share of the deed stamp tax to the Natural Heritage Trust~~  
3 ~~Fund.~~

4 (b) Beginning July 1, 1995, funds in the Trust Fund are annually appropriated  
5 to the ~~Department~~ North Carolina Parks and Recreation Authority and, unless otherwise  
6 specified by the General Assembly or the terms or conditions of a gift or grant, shall be  
7 allocated and used as follows:

8 (1) ~~Seventy five percent (75%)~~ Sixty-five percent (65%) for the State Parks  
9 System for capital projects, repairs and renovations of park facilities,  
10 and land acquisition.

11 (2) ~~Twenty percent (20%)~~ Thirty percent (30%) to provide matching funds to  
12 local governmental units on a dollar-for-dollar basis for local park and  
13 recreation purposes. These funds shall be allocated by the ~~Secretary~~  
14 North Carolina Parks and Recreation Authority based on criteria  
15 patterned after the Open Project Selection Process established for the  
16 Land and Water Conservation Fund administered by the National Park  
17 Service of the United States Department of the Interior.

18 (3) Five percent (5%) for the Coastal and Estuarine Water Beach Access  
19 Program.

20 (4) Of the funds credited to the North Carolina Parks and Recreation  
21 Authority from the Parks and Recreation Trust Fund, a sum not to  
22 exceed three percent (3%) of the annual appropriation may be used by  
23 the Department for operating expenses associated with managing capital  
24 improvements projects, acquiring land, and administration of the local  
25 grants program.

26 (c) The ~~Department~~ North Carolina Parks and Recreation Authority shall report on  
27 an annual basis to the Joint Legislative Commission on Governmental Operations, the  
28 appropriations committees of the House of Representatives and the Senate, and the Fiscal  
29 Research Division on allocations from the Trust Fund."

30 Sec. 3. G.S. 105-228.30(b) reads as rewritten:

31 "(b) The register of deeds of each county shall remit the proceeds of the tax levied  
32 by this section to the county finance officer. The finance officer of each county shall  
33 credit one-half of the proceeds to the county's general fund and shall remit the remaining  
34 one-half of the proceeds, less the county's allowance for administrative expenses, to the  
35 Department of Revenue on a quarterly basis. A county may retain two percent (2%) of  
36 the amount of tax proceeds allocated for remittance to the Department of Revenue as  
37 compensation for the county's cost in collecting and remitting the State's share of the tax.  
38 Of the funds remitted to it pursuant to this section, the Department of Revenue shall  
39 credit ~~fifteen percent (15%)~~ seventy-five percent (75%) to the Parks and Recreation Trust  
40 Fund established under G.S. 113-44.15 and twenty-five percent (25%) to the Natural  
41 Heritage Trust Fund established under G.S. 113-77.7 and the remainder to the General Fund.  
42 113-77.7."

43 Sec. 4. Part 13 of Article 7 of the General Statutes is repealed.

1           Sec. 5. Notwithstanding the provisions of G.S. 143B-313.2(b), as enacted in  
2 Section 1 of this act, initial appointees of the North Carolina Parks and Recreation  
3 Authority, created in Section 1 of this act, shall serve for terms as follows:

4           (1)    One appointee of each appointing authority shall serve a one-year term,  
5                which shall expire June 30, 1997.

6           (2)    The other two appointees of each appointing authority shall serve a two-  
7                year term, which shall expire June 30, 1998.

8           Sec. 6. This act becomes effective July 1, 1996.