

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 718
Senate Appropriations Committee Substitute Adopted 7/5/95

Short Title: Parks Authority/Trust Funds.

(Public)

Sponsors:

Referred to:

March 30, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA PARKS AND RECREATION
AUTHORITY AND TO EARMARK FUNDS FOR THE PARKS AND
RECREATION TRUST FUND AND 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 to 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) Membership. – The North Carolina Parks and Recreation Authority shall
15 consist of nine members. The members shall include persons who are knowledgeable
16 about park and recreation issues in North Carolina or with expertise in finance. Three
17 members shall be appointed by the Governor, three members shall be appointed by the
18 General Assembly upon the recommendation of the Speaker of the House of
19 Representatives in accordance with G.S. 120-121, and three members shall be appointed
20 by the General Assembly upon the recommendation of the President Pro Tempore of the
21 Senate in accordance with G.S. 120-121. The members shall serve at the pleasure of the
22 appointing authority. The Governor shall appoint one of the members to be Chair of the
23 North Carolina Parks and Recreation Authority. Vacancies shall be appointed by the
24 original appointing authority, and the term shall be for the balance of the unexpired term.
25 The North Carolina Parks and Recreation Authority shall meet at a time and place as
26 designated by the Chair, but no less frequently than quarterly.

27 (b) Terms. – Members shall serve two-year terms. Members shall serve no more
28 than two two-year terms.

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

32 (d) Quorum. – A majority of the North Carolina Parks and Recreation Authority
33 shall constitute a quorum for the transaction of business.

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

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

38 **"§ 113-44.15. Parks and Recreation Trust Fund.**

39 (a) There is established a Parks and Recreation Trust Fund in the State Treasurer's
40 Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts
41 and grants to the Trust Fund Fund, monies credited to the Trust Fund pursuant to G.S.
42 105-228.30(b), and other monies appropriated to ~~it~~ the Trust Fund by the General
43 Assembly.

1 It is the intent of the General Assembly to dedicate an amount equal to seventy five
2 percent (75%) of the State's share of the deed stamp tax levied pursuant to G.S. 105-
3 228.30 to the Parks and Recreation Trust Fund and an additional amount equal to ten
4 percent (10%) of the State's share of the deed stamp tax to the Natural Heritage Trust
5 Fund.

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

- 10 (1) ~~Seventy five percent (75%)~~ Sixty-five percent (65%) for the State Parks
11 System for capital projects, repairs and renovations of park facilities,
12 and land acquisition.
- 13 (2) ~~Twenty percent (20%)~~ Thirty percent (30%) to provide matching funds to
14 local governmental units on a dollar-for-dollar basis for local park and
15 recreation purposes. These funds shall be allocated by the ~~Secretary~~
16 North Carolina Parks and Recreation Authority based on criteria
17 patterned after the Open Project Selection Process established for the
18 Land and Water Conservation Fund administered by the National Park
19 Service of the United States Department of the Interior.
- 20 (3) Five percent (5%) for the Coastal and Estuarine Water Beach Access
21 Program.

22 Of the funds appropriated to the North Carolina Parks and Recreation Authority from
23 the Trust Fund each year, no more than three percent (3%) may be used by the
24 Department for operating expenses associated with managing capital improvements
25 projects, acquiring land, and administration of local grants programs.

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."

1 Sec. 4. Part 13 of Article 7 of Chapter 143B of the General Statutes is
2 repealed.

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

6 (1) The Governor shall designate one of the Governor's appointees and the
7 General Assembly shall designate one member appointed upon the
8 recommendation of the Speaker of the House of Representatives and
9 one member appointed upon the recommendation of the President Pro
10 Tempore of the Senate to serve a one-year term, which shall expire June
11 30, 1997.

12 (2) The remaining members shall serve a two-year term, which shall expire
13 June 30, 1998.

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