

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 456
HOUSE BILL 718

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 allocate funds for land acquisition from the Parks and Recreation Trust Fund.
- (3) To allocate funds for repairs, renovations, improvements, construction, and other capital projects from the Parks and Recreation Trust Fund.
- (4) To solicit financial and material support from public and private sources.
- (5) To develop effective public and private support for the programs and operations of the parks and recreation areas.
- (6) To consider and to advise the Secretary of Environment, Health, and Natural Resources on any matter the Secretary may refer to the North Carolina Parks and Recreation Authority.

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

(a) Membership. – The North Carolina Parks and Recreation Authority shall consist of nine members. The members shall include persons who are knowledgeable about park and recreation issues in North Carolina or with expertise in finance. Three members shall be appointed by the Governor, three members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and three members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the

Senate in accordance with G.S. 120-121. The members shall serve at the pleasure of the appointing authority. The Governor shall appoint one of the members to be Chair of the North Carolina Parks and Recreation Authority. Vacancies shall be appointed by the original appointing authority, and the term shall be for the balance of the unexpired term. The North Carolina Parks and Recreation Authority shall meet at a time and place as designated by the Chair, but no less frequently than quarterly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The Governor shall designate one of the Governor's appointees and the General Assembly shall designate one member appointed upon the recommendation of the Speaker of the House of Representatives and one member appointed upon the recommendation of the President Pro Tempore of the Senate to serve a one-year term, which shall expire June 30, 1997.
- (2) The remaining members shall serve a two-year term, which shall expire June 30, 1998.

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

In the General Assembly read three times and ratified this the 18th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives