

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 733

Short Title: Park Authority/Park Fund.

(Public)

Sponsors: Senators Sherron, Cochrane, Seymour, Speed; and Carpenter.

Referred to: State Personnel and State Government.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA PARK AUTHORITY, TO ESTABLISH A PARK FUND OF NORTH CAROLINA FOR LAND ACQUISITION AND CAPITAL PROJECTS AT STATE PARKS AND CITY AND COUNTY PARKS, AND TO FUND THE PARK FUND OF NORTH CAROLINA PRIMARILY FROM THE DEED STAMP TAX.

The General Assembly of North Carolina enacts:

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

PART 13A.

"PARK AUTHORITY AND PARK FUND.

"§ 143B-313.1. Park Authority; creation; powers and duties.

The North Carolina Park Authority of the Department of Environment, Health, and Natural Resources is created. The North Carolina Park Authority shall have at least the following functions and duties:

- (1) To receive public and private donations, appropriations, grants, and revenues for deposit into the Park Fund of North Carolina.
- (2) To issue revenue bonds of the Park Authority subject to the approval of the General Assembly or the State Treasurer to finance land acquisition, capital repairs, improvements, or construction for the parks and recreation areas, except for the recreation areas that are leased.
- (3) To allocate funds for land acquisition from the Park Fund of North Carolina.

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

10 **"§ 143B-313.2. Park Authority; members; selection; compensation; meetings.**

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

21 (b) One of the initial appointees of each appointing authority shall serve a one-year
22 term, which term shall expire June 30, 1994. The other two initial appointees of each
23 appointing authority shall serve a two-year term, which term shall expire June 30, 1995.
24 Thereafter, all members shall be appointed for terms of two years. Members shall serve
25 no more than two two-year terms.

26 (c) The members of the Park Authority shall receive per diem and necessary travel
27 and subsistence expenses according to the provisions of G.S. 138-5.

28 (d) A majority of the Park Authority shall constitute a quorum for the transaction
29 of business.

30 (e) All clerical and other services required by the Park Authority shall be
31 provided by the Secretary of the Department of Environment, Health, and Natural
32 Resources.

33 **"§ 143B-313.3. Park Fund of North Carolina.**

34 (a) There is created a special, nonreverting, and interest-bearing revenue fund to
35 be known as the Park Fund of North Carolina. The Park Fund of North Carolina shall
36 consist of donations, appropriations, and revenue derived under G.S. 105-228.30(b).
37 The State Treasurer shall be the custodian of the Park Fund, and the Park Fund is
38 subject to oversight by the State Auditor in accordance with Article 5A of Chapter 47 of
39 the General Statutes.

40 (b) The money specified in subsection (a) of this section shall be the principal
41 and corpus of the Park Fund. When a donation is made to a specific park, that money
42 shall be given to that specific park. The principal and income from the Park Fund shall
43 be used for land acquisitions, repairs, renovations, and construction at parks and
44 recreation areas.

1 (c) The General Assembly shall estimate the amount of income available to the
2 Park Authority from the Park Fund of North Carolina and shall set a maximum amount
3 that the Park Authority may obligate in the upcoming fiscal year.

4 (d) It is the intent of the General Assembly that the Park Fund of North Carolina
5 shall not take the place of State appropriations but shall be used to supplement other
6 income and appropriations for the parks and recreation areas."

7 Sec. 2. G.S. 105-228.30 reads as rewritten:

8 **"§ 105-228.30. Imposition of excise stamp tax.**

9 (a) There is levied an excise tax on each deed, instrument, or writing by which
10 any interest in real property is conveyed to another person. The tax shall be at the rate
11 of one dollar (\$1.00) on each five hundred dollars (\$500.00) or fractional part thereof of
12 the consideration or value of the interest or property conveyed. The tax shall be paid by
13 the transferor to the register of deeds of the county in which the real estate is situated
14 prior to recording the instrument of conveyance; provided that, if the instrument
15 transfers any parcel of real estate lying in two or more counties, the tax shall be paid to
16 the county wherein the greater part of the real estate with respect to value lies.

17 (b) The register of deeds of each county shall remit net proceeds of the tax levied
18 by this section to the county finance officer. The finance officer of each county shall
19 credit one-half of the proceeds to the county's general fund and shall remit the
20 remaining one-half of the proceeds, less the county's allowance for administrative
21 expenses, to the Department of Revenue on a quarterly basis. A county may retain two
22 percent (2%) of the amount of tax proceeds allocated for remittance to the Department
23 of Revenue as compensation for the county's cost in collecting and remitting the State's
24 share of the tax. Of the funds remitted to it pursuant to this section, the Department of
25 Revenue shall credit ~~fifteen percent (15%) to the Recreation and Natural Heritage Trust Fund~~
26 ~~established under G.S. 113-77.7 and the remainder to the General Fund.~~ not more than forty-
27 five thousand dollars(\$45,000) on an annual basis to the Department of Environment,
28 Health, and Natural Resources for expenses in connection with the administration of the
29 Recreation and Natural Heritage Trust Fund established under G.S. 113-77.7 and the
30 Park Fund of North Carolina established under G.S. 143B-313.3 and the remainder as
31 follows:

32 (1) Twenty-two and one-half percent (22.5%) to the Recreation and
33 Natural Heritage Trust Fund.

34 (2) Five and one-half percent (5.5%) to North Carolina State University
35 for Recreation Resources Services to create a rural tourism
36 development program and for other purposes, but no portion of this
37 money shall be used for overhead expenses.

38 (3) Seventy-two percent (72%) to the Park Fund of North Carolina to be
39 allocated as follows:

40 a. Thirty-six percent (36%) to local governmental units on a
41 matching grant basis with the local governmental unit providing
42 fifty percent (50%) of the money for local park and recreation
43 purposes.

1 b. Twenty-eight and eight-tenths percent (28.8%) to the State
2 Parks System.

3 c. Seven and two-tenths percent (7.2%) to local governmental
4 units or the State Parks System based on the merit of the
5 individual proposal.

6 Project applications submitted by local governmental units shall be
7 evaluated and ranked based on criteria patterned after the Open Project
8 Selection Process established for the Land and Water Conservation
9 Fund administered by the National Park Service of the United States
10 Department of the Interior."

11 Sec. 3. Part 13 of Article 7 of Chapter 143B of the General Statutes is
12 repealed.

13 Sec. 4. This act becomes effective July 1, 1993.