

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 733
Finance Committee Substitute Adopted 7/7/93
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Short Title: Park Authority/Park Fund.

(Public)

Sponsors:

Referred to:

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

26 (c) The members of the Park Authority shall receive per diem and necessary
27 travel 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. When
37 a donation is made to a specific park, that money shall be given to that specific park.
38 The State Treasurer shall be the custodian of the Park Fund and the Park Fund is subject
39 to oversight by the State Auditor in accordance with Article 5A of Chapter 47 of the
40 General Statutes.

41 (b) The money in the Park Fund shall be allocated as follows:

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

- 1 (2) Five and one-half percent (5.5%) to North Carolina State University
2 for Recreation Resources Services to create a rural tourism
3 development program, to provide technical assistance to local
4 governmental units for park and recreation programs, and to fund
5 research activities, but no portion of this money shall be used for
6 overhead expenses.
- 7 (3) Four percent (4%) to the Division of Coastal Management for the
8 Beach Access Program.
- 9 (4) Fifteen percent (15%) to local governmental units on a matching grant
10 basis with the local governmental unit providing fifty percent (50%) of
11 the money for the local park and recreation purposes.
- 12 (5) Fifty percent (50%) to the State Parks System.
- 13 (6) Three percent (3%) to State or local governmental units for the
14 development of access areas, scenic vistas, and related facilities
15 associated with the water resources of the State.

16 (c) To obtain a grant from the Park Fund of North Carolina, a local governmental
17 unit must apply for it by submitting an application to the North Carolina Park Authority.
18 The application must be on a form provided by the Park Authority and must include any
19 information required by the Park Authority. The Park Authority shall evaluate and rank
20 the applications submitted to it by local governmental units based on criteria patterned
21 after the Open Project Selection Process established for the Land and Water
22 Conservation Fund administered by the National Park Service of the United States
23 Department of the Interior.

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

27 **"§ 143B-313.4. Park Authority Advisory Committee.**

28 A Park Authority Advisory Committee shall be created to advise members of the
29 Park Authority on issues related to the work of the Authority. The Advisory Committee
30 shall consist of one member appointed by each member of the House of Representatives
31 and two members appointed by each member of the Senate. The Park Authority shall
32 develop operating procedures for the Advisory Committee. The work of the Advisory
33 Committee shall be voluntary and members of the Committee shall not receive per diem
34 or subsistence from the General Fund or the Park Fund of North Carolina."

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

36 **"§ 105-228.30. Imposition of excise stamp ~~tax~~; tax; distribution of proceeds.**

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

1 (b) Remittance of Proceeds. – The register of deeds of each county shall remit net
2 proceeds of the tax levied by this section to the county finance officer. The finance
3 officer of each county shall credit one-half of the proceeds to the county's general fund
4 and shall remit the remaining one-half of the proceeds, less the county's allowance for
5 administrative expenses, to the Department of Revenue on a quarterly basis. A county
6 may retain two percent (2%) of the amount of tax proceeds allocated for remittance to
7 the Department of Revenue as compensation for the county's cost in collecting and
8 remitting the State's share of the tax. Øf

9 (c) Use of State's Share. – The Department shall distribute the funds remitted to it
10 each fiscal year pursuant to this section, the Department of Revenue shall credit fifteen
11 percent (15%) to the Recreation and Natural Heritage Trust Fund established under G.S.
12 113-77.7 and the remainder to the General Fund. section as directed by this subsection.
13 The Department shall make this distribution on an annual basis. The Department shall
14 transfer to the Department of Environment, Health, and Natural Resources the amount
15 of that Department's costs in the fiscal year to administer the Recreation and Natural
16 Heritage Trust Fund established under G.S. 113-77.7 and the Park Fund of North
17 Carolina established under G.S. 143B-313.3, not to exceed forty-five thousand dollars
18 (\$45,000). The Department shall credit the remainder of the funds remitted to it to the
19 Park Fund of North Carolina."

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

22 Sec. 4. Section 2 of this act becomes effective July 1, 1995. The remainder
23 of this act becomes effective upon ratification.