SPONSOR: Sen. McBride Reps. Longhurst Heffernan
Sens. Blevins, Bushweller, Ennis, Hocker, McDowell, Poore; Reps. Atkins, Brady, Q. Johnson, Kenton, Outten, Wilson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

# SENATE BILL NO. 75

AN ACT TO AMEND TITLE 29 AND TITLE 30 RELATING TO THE INVESTMENT OF THE PARKS ENDOWMENT ACCOUNT AND THE DELAWARE LAND AND WATER CONSERVATION TRUST FUND ENDOWMENT IN THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 6102A Composition of General Fund; Delaware Higher Education Loan Program Fund.

(e) Parks endowment.

a. A special fund appropriation account is hereby created in the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, to be known as the "Parks Endowment Account." It is the intent of the General Assembly that the sum appropriated from the Twenty-First Century Fund for the Parks Endowment Account shall be known as the "principal" and shall remain intact, such “principal” to be made available for management by the Delaware Community Foundation, the provisions of this chapter to the contrary notwithstanding and contingent upon a written agreement between the State and the Delaware Community Foundation. Such agreement shall include provisions for a schedule of transfers of income to the Department, methods for encouraging philanthropic donations into the Fund, and a mechanism by which the principal can be returned to the State. The Department of Natural Resources and Environmental Control may expend only the interest and/or the investment yield from the principal for capital-related purposes, including minor capital improvements, to preserve the quality of the State's parks system and enhance recreational opportunities.

b. Such “principal” shall be transferred no later than 60 days after execution of an agreement satisfactory to the State and the Delaware Community Foundation.

Section 2. Amend Title 30 of the Delaware code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 5423 Delaware Land and Water Conservation Trust Fund.

(1)a. The corpus of the funds on deposit in the Delaware Land and Water Conservation Trust Fund maintained under § 4733 [repealed] of Title 7 on July 13, 1990, shall be deposited in the Endowment Account. Any earnings on said corpus still on deposit if said Fund on July 13, 1990, and all earnings on the funds in the Endowment Account, shall be distributed as follows: 2/3 of to the Earnings Account and 1/3 to the Stewardship Account. Additional deposits shall be made to the Endowment Account from realty transfer taxes as hereinafter provided, from other state funds as the General Assembly may from time to time determine, and from any other public and private sources which may from time to time be made available. The Endowment Account is intended to provide a permanent endowment to accomplish the purposes of the subchapter. The corpus of the Endowment Account shall not be invaded.

b. The Endowment Account shall be made available for management by the Delaware Community Foundation, the provisions of this subchapter to the contrary notwithstanding and contingent upon a written agreement between the State and the Delaware Community Foundation. Such agreement shall include provisions for a schedule of transfers of income to the Department and a mechanism by which the principal can be returned to the State.

c. Funds in the Endowment Account shall be transferred no later than 60 days after the execution of an agreement satisfactory to the State and the Delaware Community Foundation.

## SYNOPSIS

This Act will increase the effectiveness of the Parks Endowment Fund at assisting with the financing of physical maintenance and capital improvements at Delaware State Parks. This Act will also help encourage private investments and donations for our Parks through management by the Delaware Community Foundation (DCF). The legislation will transfer the Parks Endowment Fund to the DCF to continue the endowment's purpose of improving the quality of the State's park system and enhancing recreational opportunities statewide and to encourage non-State contributions to the Fund. This Act will also transfer the corpus of the Delaware Land and Water Conservation Trust Fund (Endowment Account) to the DCF to continue and expand the endowment's grants and stewardship functions.

Author: Senator McBride