

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1019
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide for a transfer; to amend and reenact subsection 5 of section 55-08-05 and section 55-08-14.1 of the North Dakota Century Code, relating to recreational grants and concession agreements; to provide legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the parks and recreation department for the purpose of defraying the expenses of the parks and recreation department and the International Peace Garden, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$1,949,169	\$233,516	\$2,182,685
Natural resources	10,898,861	2,775,814	13,674,675
Recreation	8,636,524	(575,725)	8,060,799
Deferred maintenance	0	835,400	835,400
Total all funds	\$21,484,554	\$3,269,005	\$24,753,559
Less estimated income	<u>13,348,117</u>	<u>(1,200,063)</u>	<u>12,148,054</u>
Total general fund	\$8,136,437	\$4,469,068	\$12,605,505
Full-time equivalent positions	50.50	2.50	53.00

Subdivision 2.

INTERNATIONAL PEACE GARDEN

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$736,854	\$1,991,600	\$2,728,454
International music camp contingency	<u>400,000</u>	<u>(400,000)</u>	<u>0</u>
Total all funds	\$1,136,854	\$1,591,600	\$2,728,454
Less estimated income	<u>200,000</u>	<u>(200,000)</u>	<u>0</u>
Total general fund	\$936,854	\$1,791,600	\$2,728,454

Subdivision 3.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$9,073,291	\$6,260,668	\$15,333,959
Grand total special funds	<u>13,548,117</u>	<u>(600,063)</u>	<u>12,948,054</u>
Grand total all funds	\$22,621,408	\$5,660,605	\$28,282,013

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Parks capital projects and deferred maintenance	\$2,295,000	\$2,359,768
Park signage and maps	0	20,000
Online reservation system and equipment replacement	660,000	0
International Peace Garden capital projects and deferred maintenance	2,433,000	86,600
International Peace Garden loan repayment	0	1,850,000
Parks community grant program	0	400,000
International Peace Garden equipment	0	55,000
Total general fund	\$5,388,000	\$4,771,368

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. DEFERRED MAINTENANCE - TRANSFERS. The parks and recreation department may transfer from the deferred maintenance line to other lines contained in subdivision 1 of section 1 of this Act, amounts necessary to address extraordinary repair needs. Any amounts transferred must be reported to the director of the office of management and budget.

SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER. The sum of \$222,000, or so much of the sum as may be necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is from the game and fish operating fund, or federal or other funds available to the game and fish department, and must be transferred to the parks and recreation department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. EXEMPTION. Up to \$400,000 of the recreation line item contained in subdivision 1 of section 1 of this Act is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be expended during the biennium beginning July 1, 2011, and ending June 30, 2013, for the purposes provided in section 55-08-14.1.

SECTION 6. AMENDMENT. Subsection 5 of section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in subsections 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.

SECTION 7. AMENDMENT. Section 55-08-14.1 of the North Dakota Century Code is amended and reenacted as follows:

55-08-14.1. Leadership and facilities grants. The parks and recreation department shall administer the funds made available to provide for recreational leadership grants and facilities grants in the following manner:

1. ~~One-fourth~~ Up to twenty-five percent of all moneys made available to the department for the grants ~~must~~ may be used for a leadership grant program. ~~This program shall provide enhanced recreational opportunities to state residents, particularly in with priority given to communities with a population of thirteen thousand or less, regardless of age or state of health. Moneys.~~ Within the availability of legislative appropriations, moneys must be provided to grant recipients over a three-year period on a ~~three-to-one~~ seventy-five percent matching basis for the first year of a grant, ~~one-to-one~~ fifty percent matching basis for the second year of a grant, and ~~one-to-three~~ twenty-five percent matching basis for the third year of the grant, after which the program must be fully funded locally.
2. ~~Three-fourths~~ No less than seventy percent of all moneys made available to the department for the grants must be used for a facilities grant program. This program must provide funds, on a fifty percent matching basis, for political subdivisions to improve, renovate, or construct any type of facility primarily used for ~~community~~, park, and recreation purposes.
3. Up to five percent of all moneys made available to the department biennially for the recreational and facilities grants program may be used by the department for administration of leadership and facilities grants and to ensure completion of the projects funded.

SECTION 8. LEGISLATIVE INTENT - FEDERAL FISCAL STIMULUS FUNDS. It is the intent of the sixty-first legislative assembly that the Fort Abraham Lincoln foundation be encouraged to seek federal fiscal stimulus funds for architectural and archeological services at Fort Abraham Lincoln.

SECTION 9. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the parks and recreation department, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Turtle River state park pedestrian bridge	\$300,000
Turtle Mountain scenic byway acquisition/trails	200,000
Fort Abraham Lincoln CCC building rehabilitation	300,000
Total federal funds	\$800,000

The parks and recreation department may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 10. EMERGENCY. Section 9 of this Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1019 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 0 Absent 3

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 1 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State