

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1019

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the parks and  
2 recreation department; to amend and reenact sections 55-08-06 and 55-08-07.1 of the North  
3 Dakota Century Code, relating to permits for motor vehicles and parks and the recreation  
4 concession revolving fund; to provide a grant to the international peace garden; to authorize the  
5 transfer of Dakota institute inventory; to provide exemptions; to provide a statement of  
6 legislative intent; and to declare an emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
9 as may be necessary, are appropriated out of any moneys in the general fund in the state  
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
11 other income, to the parks and recreation department for the purpose of defraying the expenses  
12 of the parks and recreation department, for providing funding to the Lewis and Clark interpretive  
13 center, and for providing a grant to the International Peace Garden, for the biennium beginning  
14 July 1, 2017, and ending June 30, 2019, as follows:

15 Subdivision 1.

16 PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17			
18			
19	<del>Administration</del>	<del>\$3,043,722</del>	<del>\$625,761</del>
20	<del>Park operations and maintenance</del>	<del>19,877,931</del>	<del>698,124</del>
21	<del>Recreation</del>	<del>6,407,120</del>	<del>632,865</del>
22	<del>Total all funds</del>	<del>\$29,328,773</del>	<del>\$1,956,750</del>
23	<del>Less estimated income</del>	<del>14,517,835</del>	<del>3,871,808</del>
24	<del>Total general fund</del>	<del>\$14,810,938</del>	<del>(\$1,915,058)</del>
			<del>\$3,669,483</del>
			<del>20,576,055</del>
			<del>7,039,985</del>
			<del>\$31,285,523</del>
			<del>18,389,643</del>
			<del>\$12,895,880</del>

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1	Administration	\$3,043,722	\$625,006	\$3,668,728
2	Park operations and maintenance	19,877,931	692,627	20,570,558
3	Recreation	6,407,120	632,434	7,039,554
4	Total all funds	\$29,328,773	\$1,950,067	\$31,278,840
5	Less estimated income	14,517,835	3,871,726	18,389,561
6	Total general fund	\$14,810,938	(\$1,921,659)	\$12,889,279

7 Full-time equivalent positions 66.00 (3.50) 62.50

8 Subdivision 2.

9 INTERNATIONAL PEACE GARDEN

10			Adjustments or	
11		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12	International peace garden	\$973,699	(\$97,370)	\$876,329
13	Total general fund	\$973,699	(\$97,370)	\$876,329

14 Subdivision 3.

15 LEWIS AND CLARK INTERPRETIVE CENTER

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	<del>Lewis and Clark interpretive center</del>	<del>\$918,279</del>	<del>\$332,839</del>	<del>\$1,251,118</del>
19	<del>Total all funds</del>	<del>\$918,279</del>	<del>\$332,839</del>	<del>\$1,251,118</del>
20	<del>Less estimated income</del>	<del>0</del>	<del>362,450</del>	<del>362,450</del>
21	<del>Total general fund</del>	<del>\$918,279</del>	<del>(\$29,611)</del>	<del>\$888,668</del>
22	Lewis and Clark interpretive center	\$918,279	\$332,408	\$1,250,687
23	Total all funds	\$918,279	\$332,408	\$1,250,687
24	Less estimated income	0	362,019	362,019
25	Total general fund	\$918,279	(\$29,611)	\$888,668

26 Subdivision 4.

27 BILL TOTAL

28			Adjustments or	
29		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
30	<del>Grand total general fund</del>	<del>\$16,702,916</del>	<del>(\$2,042,039)</del>	<del>\$14,660,877</del>

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1	<del>Grand total special funds</del>	<del>14,517,835</del>	<del>4,234,258</del>	<del>18,752,093</del>
2	<del>Grand total all funds</del>	<del>\$31,220,751</del>	<del>\$2,192,219</del>	<del>\$33,412,970</del>
3	<u>Grand total general fund</u>	<u>\$16,702,916</u>	<u>(\$2,048,640)</u>	<u>\$14,654,276</u>
4	<u>Grand total special funds</u>	<u>14,517,835</u>	<u>4,233,745</u>	<u>18,751,580</u>
5	<u>Grand total all funds</u>	<u>\$31,220,751</u>	<u>\$2,185,105</u>	<u>\$33,405,856</u>

6 Funding is adjusted for operating expenses, including inflationary increases at state parks for  
7 water, garbage, fuel, electricity, propane, insurance, and for operating costs related to adding  
8 new buildings and campground loops at various state parks. In addition, funding of \$100,000  
9 from other funds from the department of transportation is added for expenses at the Lewis and  
10 Clark interpretive center.

11 **SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act  
12 includes the sum of ~~\$188,889~~\$181,775, of which ~~\$7,085~~\$6,572 is from the general fund, for  
13 increases in employee health insurance premiums from \$1,130 to ~~\$1,249~~\$1,241 per month.

14 **SECTION 3. ONE-TIME FUNDING.** The following amounts reflect the one-time funding  
15 items approved by the sixty-fourth legislative assembly as adjusted for the 2015-17 biennium.

16	<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
17	Parks enhancements	\$12,751,611	\$0
18	Parks equipment	550,000	0
19	Community grant program	500,000	0
20	International Peace Garden capital project	321,915	0
21	Trail lease renewals	200,000	0
22	Statewide comprehensive outdoor recreation plan	90,000	0
23	Repairs and Lewis and Clark interpretive center	75,000	0
24	50 <sup>th</sup> anniversary	9,000	0
25	Retirement leave payouts	58,000	0
26	International Peace Garden demolition project	<u>200,000</u>	<u>0</u>
27	Total all funds	\$14,755,526	\$0
28	Less estimated income	<u>345,000</u>	<u>0</u>
29	Total general fund	\$14,410,526	\$0

30 **SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP**  
31 **OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be

1 necessary, included in the park operations and maintenance line item in subdivision 1 of  
2 section 1 of this Act, is from the game and fish operating fund, or federal or other funds  
3 available to the game and fish department, and must be transferred to the parks and recreation  
4 department for maintenance, operating, and extraordinary repairs expenses relating to boat  
5 ramps at state parks for the biennium beginning July 1, 2017, and ending June 30, 2019.

6 **SECTION 5. ESTIMATED INCOME - WATER COMMISSION GRANT - EXEMPTION -**  
7 **GRANT TO STATE HISTORICAL SOCIETY AND RECREATION OPPORTUNITIES ON**

8 **SOVEREIGN LANDS.** The estimated income line item in section 1 of this Act includes  
9 \$1,000,000 of grant funding received from the state water commission ~~authorized by the sixty-~~  
10 ~~fourth legislative assembly during the 2015-17 biennium~~ for ~~the purpose of~~ developing recreation  
11 opportunities on sovereign lands in the state. Notwithstanding section 4 of chapter 54 of the  
12 2015 Session Laws, the parks and recreation department shall use this \$1,000,000 to provide:

- 13 1. A grant of \$500,000 to the state historical society for defraying the expenses of double  
14 ditch historic site repairs for the period beginning with the effective date of this Act, and  
15 ending June 30, 2019; and
- 16 2. Up to \$500,000 for the purpose of developing recreation opportunities on sovereign  
17 lands in the state for the period beginning with the effective date of this Act, and  
18 ending June 30, 2019.

19 **SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**

20 The estimated income line item includes \$100,000 of grant funding from the department of  
21 transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center.

22 **SECTION 7. EXEMPTION.** Up to \$500,000 of community grants funding from the general  
23 fund included in the recreation line item contained in section 34 of chapter 49 of the 2015  
24 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from  
25 this appropriation may be expended during the biennium beginning July 1, 2017, and ending  
26 June 30, 2019, for the purposes provided in section 55-08-14.1.

27 **SECTION 8. EXEMPTION.** Any funds remaining in the international peace garden line item  
28 for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of  
29 chapter 15 of the 2013 Session Laws, and continued in the 2015-17 biennium pursuant to  
30 section 9 of chapter 53 of the 2015 Session Laws, is not subject to section 54-44.1-11 and any  
31 unexpended funds are available for completing the project during the biennium beginning

1 July 1, 2017, and ending June 30, 2019. Funding available for use by the International Peace  
2 Garden in this section will be subject to the International Peace Garden raising dollar for  
3 matching funds from nonstate of North Dakota sources consistent with the 2013 North Dakota  
4 legislative language. The parks and recreation department shall review and accept engineering  
5 proposals and specifications before committing additional funds to the project and shall assist  
6 with bidding and construction of any work associated with this section.

7 **SECTION 9. EXEMPTION - 2015-17 MATCHING FUNDS REQUIREMENT -**  
8 **INTERNATIONAL PEACE GARDEN.** Notwithstanding the provisions of section 9 of chapter 53  
9 of the 2015 Session Laws, relating to matching requirements, the International Peace Garden  
10 may spend up to \$100,000 of the funds appropriated in subdivision 2 of section 30 of chapter 15  
11 of the 2013 Session Laws and continued in the 2015-17 biennium, without raising dollar-for-  
12 dollar matching funds before spending the funds, for the purpose of completing the demolition  
13 project of the peace towers, for the period beginning with the effective date of this Act and  
14 ending June 30, 2017.

15 **SECTION 10. EXEMPTION.** Any unexpended funds in the Lewis and Clark interpretive  
16 center line item in section 34 of chapter 49 of the 2015 Session Laws, and any unexpended  
17 funds of up to \$950,000 of one-time funding for park enhancements included in the natural  
18 resources line item in section 34 of chapter 49 of the 2015 Session Laws, designated for the  
19 Lewis and Clark interpretive center, is not subject to the provisions of section 54-44.1-11. Any  
20 unexpended funds from this appropriation may be expended during the biennium beginning  
21 July 1, 2017, and ending June 30, 2019.

22 **SECTION 11. EXEMPTION.** Any unexpended funds from the outdoor heritage grant are not  
23 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation  
24 may be expended during the biennium beginning July 1, 2017, and ending June 30, 2019.

25 **SECTION 12. EXEMPTION.** Up to \$116,000 of Pembina gorge area funding from the  
26 general fund included in the natural resources line item contained in section 1 of chapter 53 of  
27 the 2015 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended  
28 funds from this appropriation may be expended during the biennium beginning July 1, 2017,  
29 and ending June 30, 2019, for renting property in the Pembina gorge area for the purpose of  
30 providing office space for employees or individuals responsible for monitoring or patrolling the  
31 trail systems in the area, ~~developing a plan for continued monitoring and patrolling of the trail~~

1 ~~systems, and to determine the feasibility of establishing an interpretive center~~designing and  
2 implementing a radio communication system for continued monitoring and patrolling of the trail  
3 systems, and providing matching funds for grant-funded trail development projects in the  
4 Pembina Gorge.

5 **SECTION 13. LEGISLATIVE INTENT - STATE PARK MARINA SWIMMING RULES.** It is  
6 the intent of the sixty-fifth legislative assembly that the parks and recreation department  
7 establish rules for state park marinas to allow an individual currently renting a slip at the marina  
8 and the individual's immediate family members to swim in the marina area subject to the  
9 individual and each family member signing a release of liability waiver form developed by the  
10 department.

11 **SECTION 14. AMENDMENT.** Section 55-08-06 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **55-08-06. Permits for motor vehicles.**

14 Unless authorized by the director, a motor vehicle may not enter or be permitted to enter  
15 any state park, state recreational area, or reserve unless the operator of the motor vehicle  
16 displays upon request a permit issued as provided in this chapter. Permits must be of a size,  
17 form, and character as the director prescribes, and the director shall procure permits for each  
18 calendar year which by appropriate language must grant permission to use any state park, state  
19 recreational area, or reserve. Permits for each calendar year must be provided and placed on  
20 sale on or before November first next preceding and used on or at any time after that date until  
21 May first of the year following the calendar year for which issued. Permits in each category must  
22 be numbered consecutively for each year of issue. Except for senior citizen discounts, a fee of  
23 ~~twenty-five~~thirty-five dollars must be charged for each permit issued, except that permits of  
24 appropriate special design may be sold individually at a maximum of ~~five~~seven dollars per  
25 permit covering the use of state parks, state recreational areas, or reserves under such  
26 conditions as the director may prescribe for a designated period of not more than three days.  
27 The director may authorize a discount on the sale of annual permits to any resident of North  
28 Dakota who is sixty-five years of age or older and who applies for a discount. The fees collected  
29 must be deposited in the state park operating fund in the state treasury, unless authorized by  
30 the director as follows:

- 1           1.    The director may allow other agencies or organizations that have leased state parks,  
2                   state recreational areas, reserves, or facilities to retain entrance and special permit  
3                   fees collected by the lessee.
- 4           2.    The director may exempt all or any part of any state park, state recreational area, or  
5                   reserve from the requirement of the motor vehicle permit and fee, for any activity or  
6                   period, when in the director's judgment it is desirable to do so; provided, however, that  
7                   no further exceptions may be made after state park revenue bonds are issued and  
8                   while the bonds are outstanding.

9           **SECTION 15. AMENDMENT.** Section 55-08-07.1 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **55-08-07.1. State parks and recreation concession revolving fund.**

12           The director shall maintain a state parks and recreation concession revolving fund to be  
13 used for the following:

- 14           1.    Procurement and maintenance of an inventory of food, nonintoxicating beverages, and  
15                   other merchandise and supplies of a suitable nature for the operation of concession  
16                   stands, including payment of costs and travel expenses necessarily incurred to obtain  
17                   or sell such items.
- 18           2.    Repair, replacement, construction, and maintenance of concession buildings, facilities,  
19                   and properties contained therein.

20 ~~The sum of fifty thousand dollars is hereby established in the state parks and recreation~~  
21 ~~concession revolving fund for the purpose provided in this section as a limit on the fund balance~~  
22 ~~after accrued liabilities on June thirtieth of each year. Any surplus in this fund in excess of fifty~~  
23 ~~thousand dollars on June thirtieth of each year must be transferred to the state park operating~~  
24 ~~fund.~~

25           **SECTION 16. NORTHERN PLAINS NATIONAL HERITAGE AREA GRANTS.** The parks  
26 and recreation department may apply for northern plains heritage grants during the biennium  
27 beginning July 1, 2017, and ending June 30, 2019.

28           **SECTION 17. TRANSFER OF DAKOTA INSTITUTE INVENTORY.** The parks and  
29 recreation department shall transfer the name Dakota institute and all rights, title, interests, and  
30 copyrights and up to eighty percent of any remaining inventory of any Dakota institute  
31 publication, book, or other document or production, regardless of format to Bismarck state

1 college. Bismarck state college may transfer any rights, title, interests, copyrights, inventory of  
2 any of the Dakota institute's publications, books, or other documents or productions, regardless  
3 of format, to the author or producer of the document or production.

4 **SECTION 18. EMERGENCY.** The sum of \$1,000,000 for providing a grant to the state  
5 historical society, and for developing recreation opportunities on sovereign lands in the state  
6 appropriated in the administration line item in section 1 of this Act ~~is,~~ and sections 5 and 9 of  
7 this Act are declared to be an emergency measure.