

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2019  
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to the state parks and recreation concession revolving fund; to provide for a report to the legislative assembly; to provide for a transfer; to provide for an exemption; to provide for a contingent loan authorization; to provide a contingent appropriation; to provide for a legislative management study; 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, for providing funding to the Lewis and Clark interpretive center, and for providing a grant to the International Peace Garden, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,668,728	(\$63,729)	\$2,604,999
Park operations and maintenance	20,570,558	3,355,161	23,925,719
Recreation	<u>7,039,554</u>	<u>2,284,006</u>	<u>9,323,560</u>
Total all funds	\$30,278,840	\$5,575,438	\$35,854,278
Less estimated income	<u>17,389,561</u>	<u>5,968,174</u>	<u>23,357,735</u>
Total general fund	\$12,889,279	(\$392,736)	\$12,496,543
Full-time equivalent positions	62.50	(1.00)	61.50

Subdivision 2.

INTERNATIONAL PEACE GARDEN

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$876,329	\$2,000,000	\$2,876,329
Total all funds	\$876,329	\$2,000,000	\$2,876,329
Less estimated income	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
Total general fund	\$876,329	\$0	\$876,329

Subdivision 3.

LEWIS AND CLARK INTERPRETIVE CENTER

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Lewis and Clark interpretive center	\$1,250,687	\$53,688	\$1,304,375
Total all funds	\$1,250,687	\$53,688	\$1,304,375

Less estimated income	<u>362,019</u>	<u>(27,901)</u>	<u>334,118</u>
Total general fund	\$888,668	\$81,589	\$970,257

Subdivision 4.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$14,654,276	(\$311,147)	\$14,343,129
Grand total special funds	<u>17,751,580</u>	<u>10,940,273</u>	<u>28,691,853</u>
Grand total all funds	\$32,405,856	\$10,629,126	\$43,034,982

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriations in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Double ditch historic site repairs grant	\$500,000	\$0
Recreational opportunities on sovereign lands grant	500,000	0
Pipeline protest law enforcement support	200,000	0
Electronic payment processing system loan proceeds	88,000	0
Extraordinary repairs	0	634,126
Capital projects	0	1,755,000
International Peace Garden capital projects	0	2,000,000
Additional equipment	0	622,000
State park survey	0	150,000
Recreation mapping	0	75,000
Traffic counters	<u>0</u>	<u>75,000</u>
Total all funds	\$1,288,000	\$5,311,126
Less estimated income	<u>1,288,000</u>	<u>5,311,126</u>
Total general fund	\$0	\$0

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be necessary, included in the park operations and maintenance 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, 2019, and ending June 30, 2021.

**SECTION 4. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.** The estimated income line item in subdivision 3 of section 1 of this Act, includes \$100,000 of grant funding from the department of transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center.

**SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts appropriated in section 1 of this Act, any additional federal funds or other funds that become available are appropriated to the parks and recreation department for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 6. EXEMPTION - INTERNATIONAL PEACE GARDEN - REQUIREMENTS.** Any funds remaining in the International Peace Garden line item for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for capital projects during the biennium beginning July 1, 2019, and ending June 30, 2021. Funding available for use by the International Peace Garden in this section is subject to the International Peace Garden raising one-to-one matching funds from nonstate of North Dakota sources consistent with the 2013 North Dakota legislative language. The parks and recreation department shall review and accept engineering proposals and specifications before committing additional funds to the project and shall assist with bidding and construction of any work associated with this section.

**SECTION 7. EXEMPTION - PARK ENHANCEMENTS.** Any funds remaining for park enhancements in subdivision 1 of section 1 of chapter 53 of the 2015 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for park enhancement projects during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 8. EXEMPTION - SOVEREIGN LANDS.** Any funds remaining for recreation opportunities on sovereign lands in section 1 of chapter 18 of the 2017 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for recreation opportunities on sovereign lands during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 9. REQUIREMENTS - MATCHING FUNDS - GRANTS.** Of the funds continued in section 1 of chapter 18 of the 2017 Session Laws as referenced in section 5 of chapter 18 of the 2017 Session Laws, the parks and recreation department shall provide a grant of up to \$250,000 to a nonprofit organization for the development of a community event space and visitor center in an area previously affected by river flooding. An entity receiving a grant pursuant to this section must provide one dollar of matching funds from nonstate sources for every dollar of grant funding received.

**SECTION 10. REQUIREMENTS - MATCHING FUNDS - INTERNATIONAL PEACE GARDEN CAPITAL PROJECTS.** The International Peace Garden line item in subdivision 2 of section 1 of this Act includes \$2,000,000 for capital projects. Expenditure of these funds is subject to one-to-one matching funds being raised from nonstate sources. The parks and recreation department shall review and accept engineering proposals and specifications before committing funds to projects and shall assist with bidding and construction of any work associated with this section.

**SECTION 11. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum of \$1,755,000, from the strategic investment and improvements fund and the estimated income line item in subdivision 2 of section 1 of this Act includes \$2,000,000 from the strategic investment and improvements fund, for parks capital projects and International Peace Garden capital projects.

**SECTION 12. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - INTERNATIONAL PEACE GARDEN.** The parks and recreation department may borrow from the Bank of North Dakota, \$3,000,000, or so much of the sum as may be necessary, which is appropriated to the parks and recreation department for matching nonstate funds that may become available, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funds authorized in this section may be borrowed and spent only upon certification by the director of the parks and recreation department to the director of the office of management and budget that the province of Manitoba or other entity has made available funds for capital projects at the International Peace Garden, during the biennium beginning July 1, 2019, and ending June 30, 2021. Expenditure of the funds appropriated in this section is subject to one dollar of matching funds from the province of Manitoba or other nonstate sources for each one dollar of state funds. The parks and recreation department shall request from the sixty-seventh legislative assembly an appropriation to repay any outstanding loans authorized in this section. The funding in this section is a one-time funding item.

**SECTION 13. AMENDMENT.** Section 55-08-07.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The director shall maintain a state parks and recreation concession revolving fund to be used for the following:
  4. a. Procurement and maintenance of an inventory of food, nonintoxicating beverages, and other merchandise and supplies of a suitable nature for the operation of concession stands, including payment of costs and travel expenses necessarily incurred to obtain or sell such items.
  2. b. Repair, replacement, construction, and maintenance of concession buildings, facilities, and properties contained therein.
2. The parks and recreation department may transfer any unobligated funds from the state parks and recreation concession revolving fund to the state parks operating fund.

**SECTION 14. LEGISLATIVE MANAGEMENT STUDY - LEWIS AND CLARK INTERPRETIVE CENTER OPERATIONS.** During the 2019-20 interim, the legislative management shall study the feasibility and desirability of reducing Lewis and Clark interpretive center fees and consider alternatives to address the sustainability of the parks and recreation department's operations of the Lewis and Clark interpretive center. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 15. LEGISLATIVE MANAGEMENT STUDY - PUBLIC ACCESS AND USE OF REAL PROPERTY OWNED BY THE STATE OF NORTH DAKOTA.** During the 2019-20 interim, the legislative management shall study the public access and use of real property located between the Missouri River and the Missouri River correctional center, owned by the state of North Dakota, under the control of the department of corrections and rehabilitation, and the impact of transferring the property to the parks and recreation department. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 16. EMERGENCY.** Section 9 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2019 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 40                      Nays 7                      Absent 0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

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

Vote:        Yeas 66                      Nays 27                      Absent 1

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State