

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; and to declare an emergency.

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

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

14 Subdivision 1.

15 PARKS AND RECREATION DEPARTMENT

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
18 Administration	\$3,043,722	\$625,761	\$3,669,483	
19 Park operations and maintenance	19,877,931	698,124	20,576,055	
20 Recreation	<u>6,407,120</u>	<u>632,865</u>	<u>7,039,985</u>	
21 Total all funds	\$29,328,773	\$1,956,750	\$31,285,523	
22 Less estimated income	<u>14,517,835</u>	<u>3,871,808</u>	<u>18,389,643</u>	
23 Total general fund	\$14,810,938	(\$1,915,058)	\$12,895,880	
24 Full-time equivalent positions	66.00	(3.50)	62.50	

1 Subdivision 2.

2 INTERNATIONAL PEACE GARDEN

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

7 Subdivision 3.

8 LEWIS AND CLARK INTERPRETIVE CENTER

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11 Lewis and Clark interpretive center	\$918,279	\$332,839	\$1,251,118
12 Total all funds	\$918,279	\$332,839	\$1,251,118
13 Less estimated income	0	362,450	362,450
14 Total general fund	\$918,279	(\$29,611)	\$888,668

15 Subdivision 4.

16 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19 Grand total general fund	\$16,702,916	(\$2,042,039)	\$14,660,877
20 Grand total special funds	14,517,835	4,234,258	18,752,093
21 Grand total all funds	\$31,220,751	\$2,192,219	\$33,412,970

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

27 **SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act
 28 includes the sum of \$188,889, of which \$7,085 is from the general fund, for increases in
 29 employee health insurance premiums from \$1,130 to \$1,249 per month.

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

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Legislative Assembly

	<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
1			
2	Parks enhancements	\$12,751,611	\$0
3	Parks equipment	550,000	0
4	Community grant program	500,000	0
5	International Peace Garden capital project	321,915	0
6	Trail lease renewals	200,000	0
7	Statewide comprehensive outdoor recreation plan	90,000	0
8	Repairs and Lewis and Clark interpretive center	75,000	0
9	50 th anniversary	9,000	0
10	Retirement leave payouts	58,000	0
11	International Peace Garden demolition project	<u>200,000</u>	<u>0</u>
12	Total all funds	\$14,755,526	\$0
13	Less estimated income	<u>345,000</u>	<u>0</u>
14	Total general fund	\$14,410,526	\$0

SECTION 4. 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, 2017, and ending June 30, 2019.

SECTION 5. ESTIMATED INCOME - WATER COMMISSION GRANT. The estimated income line item in section 1 of this Act includes \$1,000,000 of grant funding from the state water commission authorized by the sixty-fourth legislative assembly for the purpose of developing recreation opportunities on sovereign lands in the state.

SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT. The estimated income line item 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 7. EXEMPTION. Up to \$500,000 of community grants funding from the general fund included in the recreation line item contained in section 34 of chapter 49 of the 2015 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from

1 this appropriation may be expended during the biennium beginning July 1, 2017, and ending
2 June 30, 2019, for the purposes provided in section 55-08-14.1.

3 **SECTION 8. EXEMPTION.** Any funds remaining in the international peace garden line item
4 for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of
5 chapter 15 of the 2013 Session Laws is not subject to section 54-44.1-11 and any unexpended
6 funds are available for completing the project during the biennium beginning July 1, 2017, and
7 ending June 30, 2019. Funding available for use by the International Peace Garden in this
8 section will be subject to the International Peace Garden raising dollar for matching funds from
9 nonstate of North Dakota sources consistent with the 2013 North Dakota legislative language.
10 The parks and recreation department shall review and accept engineering proposals and
11 specifications before committing additional funds to the project and shall assist with bidding and
12 construction of any work associated with this section.

13 **SECTION 9. EXEMPTION.** Any unexpended funds in the Lewis and Clark interpretive
14 center line item in section 34 of chapter 49 of the 2015 Session Laws is not subject to the
15 provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be
16 expended during the biennium beginning July 1, 2017, and ending June 30, 2019.

17 **SECTION 10. EXEMPTION.** Any unexpended funds from the outdoor heritage grant are not
18 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
19 may be expended during the biennium beginning July 1, 2017, and ending June 30, 2019.

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

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

1 **55-08-06. Permits for motor vehicles.**

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

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

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

29 **55-08-07.1. State parks and recreation concession revolving fund.**

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

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

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

12 **SECTION 14. NORTHERN PLAINS NATIONAL HERITAGE AREA GRANTS.** The parks
13 and recreation department may apply for northern plains heritage grants during the biennium
14 beginning July 1, 2017, and ending June 30, 2019.

15 **SECTION 15. TRANSFER OF DAKOTA INSTITUTE INVENTORY.** The parks and
16 recreation department shall transfer the name Dakota institute and all rights, title, interests, and
17 copyrights and up to eighty percent of any remaining inventory of any Dakota institute
18 publication, book, or other document or production, regardless of format to Bismarck state
19 college. Bismarck state college may transfer any rights, title, interests, copyrights, inventory of
20 any of the Dakota institute's publications, books, or other documents or productions, regardless
21 of format, to the author or producer of the document or production.

22 **SECTION 16. EMERGENCY.** The sum of \$1,000,000 for developing recreation
23 opportunities on sovereign lands in the state appropriated in the administration line item in
24 section 1 of this Act is declared to be an emergency measure.