

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2019

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 section 55-08-07.1 of the North Dakota Century
3 Code, relating to the state parks and recreation concession revolving fund; to provide for a
4 report to the legislative assembly; to provide for a transfer; ~~and~~ to provide for an exemption; to
5 authorize conveyance of real property owned by the state of North Dakota; and to declare an
6 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, 2019, and ending June 30, 2021, as follows:

15 Subdivision 1.

16 PARKS AND RECREATION DEPARTMENT

| | Base Level | Adjustments or Enhancements | Appropriation |
|---|-------------------------|--------------------------------|-------------------------|
| 18 Administration | \$2,668,728 | (\$65,123) | \$2,603,605 |
| 19 Park operations and maintenance | 20,570,558 | 3,340,362 | 23,910,920 |
| 20 Recreation | 7,039,554 | 2,284,745 | 9,324,299 |
| 21 Total all funds | \$30,278,840 | \$5,559,984 | \$35,838,824 |
| 22 Less estimated income | 17,389,561 | 5,968,333 | 23,357,894 |

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| | | | | |
|---|---------------------------------|--------------|-------------|--------------|
| 1 | Total general fund | \$12,889,279 | (\$408,349) | \$12,480,930 |
| 2 | Full-time equivalent positions | 62.50 | (1.00) | 61.50 |
| 3 | Administration | \$2,668,728 | (\$63,729) | \$2,604,999 |
| 4 | Park operations and maintenance | 20,570,558 | 3,355,161 | 23,925,719 |
| 5 | Recreation | 7,039,554 | 2,284,006 | 9,323,560 |
| 6 | Total all funds | \$30,278,840 | \$5,575,438 | \$35,854,278 |
| 7 | Less estimated income | 17,389,561 | 5,968,174 | 23,357,735 |
| 8 | Total general fund | \$12,889,279 | (\$392,736) | \$12,496,543 |
| 9 | Full-time equivalent positions | 62.50 | (1.00) | 61.50 |

10 Subdivision 2.

11 INTERNATIONAL PEACE GARDEN

| 12 | | Adjustments or | | |
|----|----------------------------|----------------------|------------------------|------------------------|
| 13 | | Base Level | Enhancements | Appropriation |
| 14 | International Peace Garden | \$876,329 | \$2,000,000 | \$2,876,329 |
| 15 | Total all funds | \$876,329 | \$2,000,000 | \$2,876,329 |
| 16 | Less estimated income | 0 | 2,000,000 | 2,000,000 |
| 17 | Total general fund | \$876,329 | \$0 | \$876,329 |
| 18 | International Peace Garden | \$876,329 | \$5,000,000 | \$5,876,329 |
| 19 | Total all funds | \$876,329 | \$5,000,000 | \$5,876,329 |
| 20 | Less estimated income | 0 | 5,000,000 | 5,000,000 |
| 21 | Total general fund | \$876,329 | \$0 | \$876,329 |

22 Subdivision 3.

23 LEWIS AND CLARK INTERPRETIVE CENTER

| 24 | | Adjustments or | | |
|----|-------------------------------------|------------------------|---------------------|------------------------|
| 25 | | Base Level | Enhancements | Appropriation |
| 26 | Lewis and Clark interpretive center | \$1,250,687 | \$51,017 | \$1,301,704 |
| 27 | Total all funds | \$1,250,687 | \$51,017 | \$1,301,704 |
| 28 | Less estimated income | 362,019 | (28,505) | 333,514 |
| 29 | Total general fund | \$888,668 | \$79,522 | \$968,190 |
| 30 | Lewis and Clark interpretive center | \$1,250,687 | \$233,688 | \$1,484,375 |
| 31 | Total all funds | \$1,250,687 | \$233,688 | \$1,484,375 |

| | | | | |
|---|------------------------------|------------------|------------------|--------------------|
| 1 | <u>Less estimated income</u> | <u>362,019</u> | <u>(27,901)</u> | <u>334,118</u> |
| 2 | <u>Total general fund</u> | <u>\$888,668</u> | <u>\$261,589</u> | <u>\$1,150,257</u> |

3 Subdivision 4.

4 BILL TOTAL

| 5 | | | Adjustments or | |
|----|--------------------------------------|-------------------------|------------------------|-------------------------|
| 6 | | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 7 | Grand total general fund | \$14,654,276 | (\$328,827) | \$14,325,449 |
| 8 | Grand total special funds | 17,751,580 | 7,939,828 | 25,691,408 |
| 9 | Grand total all funds | \$32,405,856 | \$7,611,001 | \$40,016,857 |
| 10 | <u>Grand total general fund</u> | <u>\$14,654,276</u> | <u>(\$131,147)</u> | <u>\$14,523,129</u> |
| 11 | <u>Grand total special funds</u> | <u>17,751,580</u> | <u>10,940,273</u> | <u>28,691,853</u> |
| 12 | <u>Grand total all funds</u> | <u>\$32,405,856</u> | <u>\$10,809,126</u> | <u>\$43,214,982</u> |

13 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

14 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 15 funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the
 16 2019-21 biennium one-time funding items included in the appropriations in section 1 of this Act:

| 17 | <u>One-Time Funding Description</u> | <u>2017-19</u> | <u>2019-21</u> |
|----|--|------------------------|------------------------|
| 18 | Double ditch historic site repairs grant | \$500,000 | \$0 |
| 19 | Recreational opportunities on sovereign lands grant | 500,000 | 0 |
| 20 | Pipeline protest law enforcement support | 200,000 | 0 |
| 21 | Electronic payment processing system loan proceeds | 88,000 | 0 |
| 22 | Extraordinary repairs | 0 | 634,126 |
| 23 | Capital projects | 0 | 1,755,000 |
| 24 | International Peace Garden capital projects | 0 | 2,000,000 |
| 25 | Additional equipment | 0 | 622,000 |
| 26 | State park survey | 0 | 150,000 |
| 27 | Recreation mapping | 0 | 75,000 |
| 28 | Traffic counters | 0 | 75,000 |
| 29 | Total all funds | \$1,288,000 | \$5,311,126 |
| 30 | Less estimated income | 1,288,000 | 5,311,126 |
| 31 | Total general fund | \$0 | \$0 |

| | | | |
|----|--|--------------------|--------------------|
| 1 | <u>Double ditch historic site repairs grant</u> | <u>\$500,000</u> | <u>\$0</u> |
| 2 | <u>Recreational opportunities on sovereign lands grant</u> | <u>500,000</u> | <u>0</u> |
| 3 | <u>Pipeline protest law enforcement support</u> | <u>200,000</u> | <u>0</u> |
| 4 | <u>Electronic payment processing system loan proceeds</u> | <u>88,000</u> | <u>0</u> |
| 5 | <u>Extraordinary repairs</u> | <u>0</u> | <u>634,126</u> |
| 6 | <u>Capital projects</u> | <u>0</u> | <u>1,755,000</u> |
| 7 | <u>International Peace Garden capital projects</u> | <u>0</u> | <u>5,000,000</u> |
| 8 | <u>Additional equipment</u> | <u>0</u> | <u>622,000</u> |
| 9 | <u>State park survey</u> | <u>0</u> | <u>150,000</u> |
| 10 | <u>Recreation mapping</u> | <u>0</u> | <u>75,000</u> |
| 11 | <u>Traffic counters</u> | <u>0</u> | <u>75,000</u> |
| 12 | <u>Total all funds</u> | <u>\$1,288,000</u> | <u>\$8,311,126</u> |
| 13 | <u>Less estimated income</u> | <u>1,288,000</u> | <u>8,311,126</u> |
| 14 | <u>Total general fund</u> | <u>\$0</u> | <u>\$0</u> |

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

19 **SECTION 3. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP**

20 **OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be
21 necessary, included in the park operations and maintenance line item in subdivision 1 of
22 section 1 of this Act, is from the game and fish operating fund, or federal or other funds
23 available to the game and fish department, and must be transferred to the parks and recreation
24 department for maintenance, operating, and extraordinary repairs expenses relating to boat
25 ramps at state parks for the biennium beginning July 1, 2019, and ending June 30, 2021.

26 **SECTION 4. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**

27 The estimated income line item in subdivision 3 of section 1 of this Act, includes \$100,000 of
28 grant funding from the department of transportation for the purpose of defraying expenses for
29 the Lewis and Clark interpretive center.

30 **SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts

31 appropriated in section 1 of this Act, any additional federal funds or other funds that become

1 available are appropriated to the parks and recreation department for the biennium beginning
2 July 1, 2019, and ending June 30, 2021.

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

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

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

23 **SECTION 9. REQUIREMENTS - MATCHING FUNDS - GRANTS.** Of the funds continued in
24 section 1 of chapter 18 of the 2017 Session Laws as referenced in section 5 of chapter 18 of
25 the 2017 Session Laws, the parks and recreation department shall provide a grant of up to
26 \$250,000 to a nonprofit organization for the development of a community event space and
27 visitor center in an area previously affected by river flooding. An entity receiving a grant
28 pursuant to this section must provide one dollar of matching funds from nonstate sources for
29 every dollar of grant funding received.

30 **SECTION 10. REQUIREMENTS - MATCHING FUNDS - INTERNATIONAL PEACE**
31 **GARDEN CAPITAL PROJECTS.** The International Peace Garden line item in subdivision 2 of

1 section 1 of this Act includes ~~\$2,000,000~~\$5,000,000 for capital projects. Expenditure of these
2 funds is subject to one-to-one matching funds being raised from nonstate sources. The parks
3 and recreation department shall review and accept engineering proposals and specifications
4 before committing funds to projects and shall assist with bidding and construction of any work
5 associated with this section.

6 **SECTION 11. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

7 **FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum
8 of \$1,755,000, from the strategic investment and improvements fund and the estimated income
9 line item in subdivision 2 of section 1 of this Act includes ~~\$2,000,000~~\$5,000,000 from the
10 strategic investment and improvements fund, for parks capital projects and International Peace
11 Garden capital projects.

12 **SECTION 12. AMENDMENT.** Section 55-08-07.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **55-08-07.1. State parks and recreation concession revolving fund.**

15 1. The director shall maintain a state parks and recreation concession revolving fund to
16 be used for the following:

17 4. a. Procurement and maintenance of an inventory of food, nonintoxicating
18 beverages, and other merchandise and supplies of a suitable nature for the
19 operation of concession stands, including payment of costs and travel expenses
20 necessarily incurred to obtain or sell such items.

21 2. b. Repair, replacement, construction, and maintenance of concession buildings,
22 facilities, and properties contained therein.

23 2. The parks and recreation department may transfer any unobligated funds from the
24 state parks and recreation concession revolving fund to the state parks operating fund.

25 **SECTION 13. TRANSFER OF LAND AUTHORIZED.** The state of North Dakota, by and
26 through the department of corrections and rehabilitation, shall convey certain real property
27 consisting of approximately 250 acres in the northwest quarter and northeast quarter of
28 section 29, township 138, range 80 west, Burleigh County, North Dakota, described as part of
29 government lots 1, 2, 3, and 4, and the northwest quarter of the northeast quarter of section 29,
30 and what is described as auditor's lot "A" in the plat recorded with the Burleigh County recorder
31 as document 851887 and as exhibit A to document number 851886; and that part of the

1 northeast quarter and the northwest quarter of section 30, township 138 north, range 80 west,
2 Burleigh County, North Dakota, and what is now described as auditor's lot "A" in the plat
3 recorded with the Burleigh County recorder as document number 851888 and as exhibit B to
4 document number 851886 (the State Property), but subject to any designated sovereign lands
5 within the ordinary high water mark of the Missouri River in accordance with section 61-33-03 of
6 the North Dakota Century Code to the North Dakota parks and recreation department. The
7 department of corrections and rehabilitation shall provide public access to the described land in
8 this section. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer authorized by this
9 section.

10 **SECTION 14. EMERGENCY.** Section 9 of this Act is declared to be an emergency
11 measure.