

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1019**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the parks and  
2 recreation department and the International Peace Garden; to provide for a transfer; to amend  
3 and reenact subsection 5 of section 55-08-05 and section 55-08-14.1 of the North Dakota  
4 Century Code, relating to recreational grants and concession agreements; to provide legislative  
5 intent; 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  
8 funds 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  
11 expenses of the parks and recreation department and the International Peace Garden, for the  
12 biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

13 Subdivision 1.

14 **PARKS AND RECREATION DEPARTMENT**

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

1 Subdivision 2.

2 INTERNATIONAL PEACE GARDEN

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
3				
4				
5	International Peace Garden	\$736,854	\$1,991,600	\$2,728,454
6	International music camp	<u>400,000</u>	<u>(400,000)</u>	<u>0</u>
7	contingency			
8	Total all funds	\$1,136,854	\$1,591,600	\$2,728,454
9	Less estimated income	<u>200,000</u>	<u>(200,000)</u>	<u>0</u>
10	Total general fund	\$936,854	\$1,791,600	\$2,728,454

11 Subdivision 3.

12 BILL TOTAL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Grand total general fund	\$9,073,291	\$6,260,668	\$15,333,959
16	Grand total special funds	<u>13,548,117</u>	<u>(600,063)</u>	<u>12,948,054</u>
17	Grand total all funds	\$22,621,408	\$5,660,605	\$28,282,013

18 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
 19 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
 20 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the  
 21 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>
22			
23	Parks capital projects and deferred maintenance	\$2,295,000	\$2,359,768
24	Park signage and maps	0	20,000
25	Online reservation system and equipment replacement	660,000	0
26	International Peace Garden capital projects and	2,433,000	86,600
27	deferred maintenance		
28	International Peace Garden loan repayment	0	1,850,000
29	Parks community grant program	0	400,000
30	International Peace Garden equipment	<u>0</u>	<u>55,000</u>
31	Total general fund	\$5,388,000	\$4,771,368

1 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
2 2011-13 biennium. The parks and recreation department shall report to the appropriations  
3 committees of the sixty-second legislative assembly on the use of this one-time funding for the  
4 biennium beginning July 1, 2009, and ending June 30, 2011.

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

10 **SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER.** The sum of  
11 \$222,000, or so much of the sum as may be necessary, included in the estimated income line  
12 item in subdivision 1 of section 1 of this Act, is from the game and fish operating fund, or  
13 federal or other funds available to the game and fish department, and must be transferred to  
14 the parks and recreation department for maintenance, operating, and extraordinary repairs  
15 expenses relating to boat ramps at state parks for the biennium beginning July 1, 2009, and  
16 ending June 30, 2011.

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

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

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

1 faithful performance of all duties under the lease and proper accounting for all  
2 funds.

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

5 **55-08-14.1. Leadership and facilities grants.** The parks and recreation department  
6 shall administer the funds made available to provide for recreational leadership grants and  
7 facilities grants in the following manner:

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

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

1           **SECTION 9. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

2   **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the  
3 funds as may be necessary, are appropriated from federal funds made available to the state  
4 under the federal American Recovery and Reinvestment Act of 2009, not otherwise  
5 appropriated, to the parks and recreation department, for the period beginning with the effective  
6 date of this Act and ending June 30, 2011, as follows:

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

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

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

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