

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 provide for a contingent loan authorization; to provide a contingent appropriation; to provide for
6 a legislative management study; 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, 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	\$2,000,000	\$2,876,329
19	Total all funds	\$876,329	\$2,000,000	\$2,876,329
20	Less estimated income	0	2,000,000	2,000,000
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	\$53,688	\$1,304,375
31	Total all funds	\$1,250,687	\$53,688	\$1,304,375

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>\$81,589</u>	<u>\$970,257</u>

3 Subdivision 4.

4 BILL TOTAL

5			Adjustments or	
6		Base Level	Enhancements	Appropriation
7	<u>Grand total general fund</u>	<u>\$14,654,276</u>	<u>(\$328,827)</u>	<u>\$14,325,449</u>
8	<u>Grand total special funds</u>	<u>17,751,580</u>	<u>7,939,828</u>	<u>25,691,408</u>
9	<u>Grand total all funds</u>	<u>\$32,405,856</u>	<u>\$7,611,001</u>	<u>\$40,016,857</u>
10	<u>Grand total general fund</u>	<u>\$14,654,276</u>	<u>(\$311,147)</u>	<u>\$14,343,129</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>\$10,629,126</u>	<u>\$43,034,982</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	<u>Double ditch historic site repairs grant</u>	<u>\$500,000</u>	<u>\$0</u>
19	<u>Recreational opportunities on sovereign lands grant</u>	<u>500,000</u>	<u>0</u>
20	<u>Pipeline protest law enforcement support</u>	<u>200,000</u>	<u>0</u>
21	<u>Electronic payment processing system loan proceeds</u>	<u>88,000</u>	<u>0</u>
22	<u>Extraordinary repairs</u>	<u>0</u>	<u>634,126</u>
23	<u>Capital projects</u>	<u>0</u>	<u>1,755,000</u>
24	<u>International Peace Garden capital projects</u>	<u>0</u>	<u>2,000,000</u>
25	<u>Additional equipment</u>	<u>0</u>	<u>622,000</u>
26	<u>State park survey</u>	<u>0</u>	<u>150,000</u>
27	<u>Recreation mapping</u>	<u>0</u>	<u>75,000</u>
28	<u>Traffic counters</u>	<u>0</u>	<u>75,000</u>
29	<u>Total all funds</u>	<u>\$1,288,000</u>	<u>\$5,311,126</u>
30	<u>Less estimated income</u>	<u>1,288,000</u>	<u>5,311,126</u>
31	<u>Total general fund</u>	<u>\$0</u>	<u>\$0</u>

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>2,000,000</u>
8	<u>Additional equipment</u>	<u>0</u>	<u>622,000</u>
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12	<u>Total all funds</u>	<u>\$1,288,000</u>	<u>\$5,311,126</u>
13	<u>Less estimated income</u>	<u>1,288,000</u>	<u>5,311,126</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 for capital projects. Expenditure of these funds is
2 subject to one-to-one matching funds being raised from nonstate sources. The parks and
3 recreation department shall review and accept engineering proposals and specifications before
4 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 from the strategic
10 investment and improvements fund, for parks capital projects and International Peace Garden
11 capital projects.

12 **SECTION 12. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION**

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

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

28 **55-08-07.1. State parks and recreation concession revolving fund.**

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

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

9 **SECTION 14. LEGISLATIVE MANAGEMENT STUDY - LEWIS AND CLARK**

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

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

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