

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1019  
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to provide for a transfer; to amend and reenact section 10 of chapter 44 of the 2019 Session Laws, relating to International Peace Garden capital projects; to repeal section 12 of chapter 44 of the 2019 Session Laws, relating to International Peace Garden capital projects; to provide for the conveyance of real property; to provide for a legislative management study; to provide for application; to provide for an exemption; to provide for a report; 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 and the Lewis and Clark interpretive center and for providing a grant to the International Peace Garden, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,604,999	\$410,071	\$3,015,070
Park operations and maintenance	20,914,593	8,140,930	29,055,523
Recreation	<u>9,023,560</u>	<u>3,735,402</u>	<u>12,758,962</u>
Total all funds	\$32,543,152	\$12,286,403	\$44,829,555
Less estimated income	<u>20,046,609</u>	<u>12,085,784</u>	<u>32,132,393</u>
Total general fund	\$12,496,543	200,619	\$12,697,162
Full-time equivalent positions	61.50	(3.75)	57.75

Subdivision 2.

INTERNATIONAL PEACE GARDEN

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$876,329	\$3,000,000	\$3,876,329
Total all funds	\$876,329	\$3,000,000	\$3,876,329
Less estimated income	0	3,000,000	3,000,000
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	\$1,304,375	(\$1,304,375)	\$0
Total all funds	\$1,304,375	(\$1,304,375)	\$0
Less estimated income	<u>334,118</u>	<u>(334,118)</u>	<u>0</u>
Total general fund	\$970,257	(\$970,257)	\$0

Subdivision 4.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$14,343,129	(\$769,638)	\$13,573,491
Grand total special funds	<u>20,380,727</u>	<u>14,751,666</u>	<u>35,132,393</u>
Grand total all funds	\$34,723,856	\$13,982,028	\$48,705,884

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Extraordinary repairs and capital projects	\$634,126	\$7,900,000
Capital projects	1,755,000	0
International Peace Garden capital projects	5,000,000	3,000,000
Parks matching grant program	0	1,632,800
Additional equipment	622,000	0
State park survey	150,000	0
Recreation mapping	75,000	0
Traffic counters	75,000	0
Trail lease renewals	0	200,000
Fort Abraham Lincoln viewshed lease	<u>0</u>	<u>50,000</u>
Total all funds	\$8,311,126	\$12,782,800
Less estimated income	<u>8,311,126</u>	<u>12,532,800</u>
Total general fund	\$0	\$250,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORTING.** In addition to the amounts appropriated in section 1 of this Act, any additional income from federal or other funds that become available are appropriated to the parks and recreation department for the biennium beginning July 1, 2021, and ending June 30, 2023. The department shall report any additional income under this section to the office of management and budget and the legislative council.

**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 as requested by the director of 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, 2021, and ending June 30, 2023.

**SECTION 5. CONVEYANCE OF LAND AND BUILDINGS - LEWIS AND CLARK INTERPRETIVE CENTER - APPLICATION.** The state of North Dakota, by and through the parks and recreation department, shall convey ownership of the Lewis and Clark interpretive center and surrounding real property to the state historical society. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

**SECTION 6. DEFERRED MAINTENANCE AND CAPITAL PROJECTS - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND.** The park operations and maintenance line item in subdivision 1 of section 1 of this Act includes \$7,900,000 from federal funds derived from the federal coronavirus capital projects fund for deferred maintenance and capital projects for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding provided under this section may be

spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

**SECTION 7. PARKS MATCHING GRANT PROGRAM - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND.** The recreation line item in subdivision 1 of section 1 of this Act includes \$1,632,800, of which \$816,400 is from federal funds derived from the federal coronavirus capital projects fund and \$816,400 is matching funds from nonstate sources for a matching grant program for the biennium beginning July 1, 2021, and ending June 30, 2023. The parks and recreation department may spend these funds for capital project improvements at state parks, subject to the department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis. The federal funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

**SECTION 8. INTERNATIONAL PEACE GARDEN - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND.** The International Peace Garden line item in subdivision 2 of section 1 of this Act includes the sum of \$3,000,000, from federal funds derived from the federal coronavirus capital projects fund for International Peace Garden capital projects or the repayment of any outstanding loan from the Bank of North Dakota authorized in section 12 of chapter 44 of the 2019 Session Laws, for the period beginning with the effective date of this Act, and ending June 30, 2023. Expenditure of the funds appropriated for this purpose is subject to the province of Manitoba providing funding equal to fifty percent of the total cost of any project paid with the funding referenced in this section. The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

**SECTION 9. AMENDMENT.** Section 10 of chapter 44 of the 2019 Session Laws is amended and reenacted as follows:

**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 ~~thesethese~~ funds appropriated for this purpose is subject to ~~one-to-one matching funds being raised from nonstate sources~~ the province of Manitoba providing funding equal to fifty percent of the total cost of any project paid with funding referenced in this section. 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. The International Peace Garden shall report quarterly to the parks and recreation department regarding the expenditure of these funds along with the the source of the matching funds. The funds appropriated in this section are not subject to section 54-44.1-11, and may be continued into the biennium beginning July 1, 2021, and ending June 30, 2023, for capital projects.

**SECTION 10. REPEAL.** Section 12 of chapter 44 of the 2019 Session Laws is repealed.

**SECTION 11. EXEMPTION - INTERNATIONAL PEACE GARDEN - REQUIREMENTS.** Any funds remaining in the International Peace Garden line item for repair of the peace tower in 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, 2021, and ending June 30, 2023. 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 sources 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 12. 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, 2021, and ending June 30, 2023.

**SECTION 13. EXEMPTION - EXTRAORDINARY REPAIRS.** Of the funds appropriated in the parks operation and maintenance line item for extraordinary repairs, \$675,000 in subdivision 1 of section 1 of chapter 18 of the 2017 Sessions Laws is not subject to section 54-44.1-11, and any unexpended funds are available for extraordinary repairs during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 14. LEGISLATIVE MANAGEMENT STUDY - PARKS MATCHING GRANT PROGRAM.** During the 2021-22 interim, the legislative management shall consider studying the effectiveness of the parks matching grant program created in section 7 of this Act and the feasibility and desirability of creating a parks and recreation foundation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

**SECTION 15. EMERGENCY.** The \$3,000,000 from federal funds derived from the federal coronavirus capital projects fund appropriated for the International Peace Garden in subdivision 2 of section 1 of this Act and sections 8, 9, and 10 of this Act are declared to be an emergency measure.

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

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

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

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

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1019 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 85                      Nays 8                      Absent 1

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

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

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

Vote:        Yeas 44                      Nays 3                      Absent 0

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

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

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

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

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