

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 provide for a transfer; to amend and reenact section 10 of chapter 44  
 3 of the 2019 Session Laws, relating to International Peace Garden capital projects; to repeal  
 4 section 12 of chapter 44 of the 2019 Session Laws, relating to International Peace Garden  
 5 capital projects; to provide for the conveyance of real property; to provide for a legislative  
 6 management study; to provide for application; to provide for an exemption; to provide for a  
 7 report; and to declare an emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 10 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 11 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 12 other income, to the parks and recreation department for the purpose of defraying the expenses  
 13 of the parks and recreation department and the Lewis and Clark interpretive center and for  
 14 providing a grant to the International Peace Garden, for the biennium beginning July 1, 2021,  
 15 and ending June 30, 2023, as follows:

16 Subdivision 1.

PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17			
18			
19	<del>Administration</del> ————— \$2,604,999	<del>408,440</del>	<del>\$3,013,439</del>
20	<del>Park operations and maintenance</del> ————— 20,914,593	<del>7,737,582</del>	<del>28,652,175</del>
21	<del>Recreation</del> ————— 9,023,560	<del>2,101,398</del>	<del>11,124,958</del>
22	<del>Total all funds</del> ————— \$32,543,152	<del>\$10,247,420</del>	<del>\$42,790,572</del>
23	<del>Less estimated income</del> ————— 20,046,609	<del>10,053,084</del>	<del>30,099,693</del>

Sixty-seventh  
Legislative Assembly

1	<del>Total general fund</del>	<del>\$12,496,543</del>	<del>\$194,336</del>	<del>\$12,690,879</del>
2	<del>Full-time equivalent positions</del>	<del>61.50</del>	<del>0.00</del>	<del>61.50</del>
3	Administration	\$2,604,999	\$410,071	\$3,015,070
4	Park operations and maintenance	20,914,593	8,140,930	29,055,523
5	Recreation	9,023,560	3,735,402	12,758,962
6	Total all funds	\$32,543,152	\$12,286,403	\$44,829,555
7	Less estimated income	20,046,609	12,085,784	32,132,393
8	Total general fund	\$12,496,543	200,619	\$12,697,162
9	Full-time equivalent positions	61.50	(3.75)	57.75

10 Subdivision 2.

INTERNATIONAL PEACE GARDEN

11		Adjustments or		
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	International Peace Garden	\$876,329	\$3,000,000	\$3,876,329
14	Total all funds	\$876,329	\$3,000,000	\$3,876,329
15	Less estimated income	0	3,000,000	3,000,000
16	Total general fund	\$876,329	\$0	\$876,329

17 Subdivision 3.

LEWIS AND CLARK INTERPRETIVE CENTER

18		Adjustments or		
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	<del>Lewis and Clark interpretive center</del>	<del>\$1,304,375</del>	<del>\$136,537</del>	<del>\$1,440,912</del>
21	<del>Total all funds</del>	<del>\$1,304,375</del>	<del>\$136,537</del>	<del>\$1,440,912</del>
22	<del>Less estimated income</del>	<del>334,118</del>	<del>253,881</del>	<del>587,999</del>
23	<del>Total general fund</del>	<del>\$970,257</del>	<del>(\$117,344)</del>	<del>\$852,913</del>
24	Lewis and Clark interpretive center	\$1,304,375	(\$1,304,375)	\$0
25	Total all funds	\$1,304,375	(\$1,304,375)	\$0
26	Less estimated income	334,118	(334,118)	0
27	Total general fund	\$970,257	(\$970,257)	\$0

28 Subdivision 4.

TOTAL - SECTION 1

29		Adjustments or		
30		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>

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1	<del>Grand total general fund</del>	<del>\$14,343,129</del>	<del>\$76,992</del>	<del>\$14,420,121</del>
2	<del>Grand total special funds</del>	<del>20,380,727</del>	<del>13,306,965</del>	<del>33,687,692</del>
3	<del>Grand total all funds</del>	<del>\$34,723,856</del>	<del>\$13,383,957</del>	<del>\$48,107,813</del>
4	<u>Grand total general fund</u>	<u>\$14,343,129</u>	<u>(\$769,638)</u>	<u>\$13,573,491</u>
5	<u>Grand total special funds</u>	<u>20,380,727</u>	<u>14,751,666</u>	<u>35,132,393</u>
6	<u>Grand total all funds</u>	<u>\$34,723,856</u>	<u>\$13,982,028</u>	<u>\$48,705,884</u>

7           **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**  
8 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
9 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
10 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

11	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
12	<del>Extraordinary repairs</del>	<del>\$634,126</del>	<del>\$7,500,000</del>
13	<u>Extraordinary repairs and capital projects</u>	<u>\$634,126</u>	<u>\$7,900,000</u>
14	Capital projects	1,755,000	0
15	International Peace Garden capital projects	5,000,000	3,000,000
16	<u>Parks matching grant program</u>	<u>0</u>	<u>1,632,800</u>
17	Additional equipment	622,000	0
18	State park survey	150,000	0
19	Recreation mapping	75,000	0
20	Traffic counters	75,000	0
21	Trail lease renewals	0	200,000
22	Fort Abraham Lincoln viewshed lease	0	<u>50,000</u>
23	<del>Total all funds</del>	<del>\$8,311,126</del>	<del>\$10,750,000</del>
24	<del>Less estimated income</del>	<del>8,311,126</del>	<del>10,500,000</del>
25	<del>Total general fund</del>	<del>\$0</del>	<del>\$250,000</del>
26	<u>Total all funds</u>	<u>\$8,311,126</u>	<u>\$12,782,800</u>
27	<u>Less estimated income</u>	<u>8,311,126</u>	<u>12,532,800</u>
28	<u>Total general fund</u>	<u>\$0</u>	<u>\$250,000</u>

29           The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget  
30 for the 2023-25 biennium. The parks and recreation department shall report to the

1 appropriations committees of the sixty-eighth legislative assembly on the use of this one-time  
2 funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

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

8 **SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP**  
9 **OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be  
10 necessary, included in the park operations and maintenance line item in subdivision 1 of  
11 section 1 of this Act, is from the game and fish operating fund, or federal or other funds  
12 available to the game and fish department, and must be transferred to the parks and recreation  
13 department as requested by the director of the parks and recreation department for  
14 maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state  
15 parks for the biennium beginning July 1, 2021, and ending June 30, 2023.

16 ~~SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.~~  
17 ~~The estimated income line item in subdivision 3 of section 1 of this Act, includes \$100,000 of~~  
18 ~~grant funding from the department of transportation for the purpose of defraying expenses for~~  
19 ~~the Lewis and Clark interpretive center.~~

20 **SECTION 5. CONVEYANCE OF LAND AND BUILDINGS - LEWIS AND CLARK**  
21 **INTERPRETIVE CENTER - APPLICATION.** The state of North Dakota, by and through the  
22 parks and recreation department, shall convey ownership of the Lewis and Clark interpretive  
23 center and surrounding real property to the state historical society. Sections 54-01-05.2 and  
24 54-01-05.5 do not apply to this conveyance.

25 **SECTION 6. DEFERRED MAINTENANCE AND CAPITAL PROJECTS - ~~STRATEGIC-~~**  
26 **~~INVESTMENT AND IMPROVEMENTS FUND~~ FEDERAL CORONAVIRUS CAPITAL**  
27 **PROJECTS FUND.** The park operations and maintenance line item in subdivision 1 of section 1  
28 of this Act includes ~~\$7,500,000~~ \$7,900,000 from ~~the strategic investment and improvements~~  
29 ~~fund~~ federal funds derived from the federal coronavirus capital projects fund for deferred  
30 maintenance and capital projects for the biennium beginning July 1, 2021, and ending June 30,  
31 2023. The funding provided under this section may be spent only to the extent the director of

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

4 **SECTION 7. PARKS MATCHING GRANT PROGRAM - FEDERAL CORONAVIRUS**

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

16 **SECTION 8. INTERNATIONAL PEACE GARDEN - ~~STRATEGIC INVESTMENT AND~~**  
17 **~~IMPROVEMENTS FUND~~FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND.** The

18 International Peace Garden line item in subdivision 2 of section 1 of this Act includes the sum of  
19 \$3,000,000, from ~~the strategic investment and improvements fund~~federal funds derived from the  
20 federal coronavirus capital projects fund for International Peace Garden capital projects or the  
21 repayment of any outstanding loan from the Bank of North Dakota authorized in section 12 of  
22 chapter 44 of the 2019 Session Laws, for the period beginning with the effective date of this Act,  
23 and ending June 30, 2023. Expenditure of the funds appropriated for this purpose is subject to  
24 the province of Manitoba providing funding equal to fifty percent of the total cost of any project  
25 paid with the funding referenced in this section. The funding provided under this section may be  
26 spent only to the extent the director of the office of management and budget, in consultation  
27 with the budget section, determines the use of the funding complies with federal guidance for  
28 the federal coronavirus capital projects fund. The funding provided under this section is  
29 considered a one-time funding item.

30 **SECTION 9. AMENDMENT.** Section 10 of chapter 44 of the 2019 Session Laws is  
31 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 ~~thesethe~~ 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

1 subdivision 1 of section 1 of chapter 18 of the 2017 Sessions Laws is not subject to section  
2 54-44.111, and any unexpended funds are available for extraordinary repairs during the  
3 biennium beginning July 1, 2021, and ending June 30, 2023.

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

10 **SECTION 15. EMERGENCY.** The \$3,000,000 from ~~the strategic investment and~~  
11 ~~improvements fund~~federal funds derived from the federal coronavirus capital projects fund  
12 appropriated for the International Peace Garden in subdivision 2 of section 1 of this Act and  
13 sections ~~78~~, ~~89~~, and ~~910~~ of this Act are declared to be an emergency measure.