

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2019

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 contingent
3 appropriations for the international music camp and marina construction; to provide for a
4 transfer; to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating
5 to state procurement; to provide for a report; and to declare an emergency.

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

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
8 section represent the base level funding component appropriated to the parks and recreation
9 department in section 3 of this Act as follows:

10 Subdivision 1.

11 **PARKS AND RECREATION DEPARTMENT**

12 Administration	\$1,804,723
13 Natural resources	9,672,243
14 Recreation	8,874,581
15 Lewis and Clark bicentennial	<u>617,335</u>
16 Total all funds - Base level	\$20,968,882
17 Less estimated income - Base level	<u>13,427,583</u>
18 Total general fund - Base level	\$7,541,299

19 Subdivision 2.

20 **INTERNATIONAL PEACE GARDEN**

21 International Peace Garden	<u>\$602,854</u>
22 Total general fund - Base level	\$602,854
23 Total general fund - Section 1	\$8,144,153

1 expenses of the parks and recreation department and the International Peace Garden, for the
2 biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

3 Subdivision 1.

4 PARKS AND RECREATION DEPARTMENT

5 Administration	\$2,110,099
6 Natural resources	13,090,479
7 Recreation	8,636,874
8 Capital assets	<u>6,707,500</u>
9 Total all funds	\$30,544,952
10 Less estimated income	<u>19,448,389</u>
11 Total general fund appropriation	\$11,096,563

12 Subdivision 2.

13 INTERNATIONAL PEACE GARDEN

14 International Peace Garden	\$3,169,854
15 International music camp contingency	<u>400,000</u>
16 Total all funds	\$3,569,854
17 Less estimated income	<u>200,000</u>
18 Total general fund appropriation	\$3,369,854
19 Grand total general fund appropriation - S.B. 2019	\$14,466,417
20 Grand total special funds appropriation - S.B. 2019	\$19,648,389
21 Grand total all funds appropriation - S.B. 2019	\$34,114,806

22 **SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER.** The sum of
23 \$481,750, or so much of the sum as may be necessary, included in the estimated income line
24 item in subdivision 1 of section 3 of this Act, is from the game and fish operating fund, or
25 federal or other funds available to the game and fish department, and must be transferred to
26 the parks and recreation department for maintenance, operating, and extraordinary repairs
27 expenses relating to boat ramps at various state parks for the biennium beginning July 1, 2007,
28 and ending June 30, 2009.

29 **SECTION 5. CONTINGENT APPROPRIATION - INTERNATIONAL MUSIC CAMP.**

30 The sum of \$200,000 included in the international music camp contingency line item in
31 section 3 of this Act is from the general fund, and the sum of \$200,000 included in the

1 international music camp contingency line item in section 3 of this Act is from other funds
2 available to the International Peace Garden. The International Peace Garden may only spend
3 the general fund appropriation to the extent other funds become available on a dollar-for-dollar
4 matching basis.

5 **SECTION 6. CONTINGENT APPROPRIATION - MARINA CONSTRUCTION.** The
6 sum of \$6,000,000 included in the capital assets line item in section 3 of this Act includes
7 \$100,000 from the game and fish operating fund and \$400,000 of other funds available to the
8 game and fish department and \$5,500,000 from federal funds for the construction of a marina
9 at Fort Stevenson state park for the biennium beginning July 1, 2007, and ending June 30,
10 2009. The \$100,000 may be used only if the federal and other funds become available for the
11 project. If the \$5,500,000 in federal funds is not received by March 31, 2008, \$259,750 of the
12 game and fish funds identified in this section is appropriated to the game and fish department
13 for boat ramp improvements at Fort Stevenson state park and Graham's Island state park.

14 **SECTION 7. CAPITAL ASSETS - INSURANCE PROCEEDS - APPROPRIATION.**
15 The amount in the capital assets line item in subdivision 1 of section 3 of this Act includes
16 \$125,000 from the general fund and \$108,000 from insurance proceeds to be used to replace a
17 maintenance building and other capital assets owned by the parks and recreation department
18 that were destroyed by fire. Any additional income from insurance proceeds, in excess of the
19 \$108,000, is appropriated, for the period beginning with the effective date of this Act and ending
20 June 30, 2009, to the parks and recreation department to assist with the replacement of the
21 maintenance building and other capital assets.

22 **SECTION 8. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-44.4-02. Office of management and budget purchasing services.** The office of
25 management and budget shall purchase or lease or otherwise arrange for the procurement, for
26 all state agencies and institutions in the executive branch of state government, all materials,
27 furniture, fixtures, printing, insurance, services, and other commodities. The International
28 Peace Garden may participate in the procurement authorized by this section. The following
29 commodities and services, however, are not subject to the procurement requirements of this
30 chapter:

31 1. Land, buildings, space, or the rental thereof.

- 1 2. Telephone and telegraph service and electrical light and power services.
- 2 3. Public books, maps, periodicals, and technical pamphlets.
- 3 4. Department of transportation materials, equipment, and supplies in accordance
- 4 with section 24-02-16.
- 5 5. Procurements through a contract or other instrument executed by the industrial
- 6 commission under chapter 54-17.5.
- 7 6. Services for the maintenance or servicing of equipment by the manufacturer or
- 8 authorized servicing agent of that equipment when the maintenance or servicing
- 9 can best be performed by the manufacturer or authorized service agent, or when
- 10 such a contract would otherwise be advantageous to the state.
- 11 7. Emergency purchases the office of management and budget cannot make within
- 12 the required time and which involve public health or public safety, or when
- 13 immediate expenditures are necessary for repairs of state property to protect it
- 14 against further loss or damage, or to prevent or minimize serious disruption in state
- 15 services. Emergency purchases must be made with the level of competition
- 16 practicable under the circumstances, and a written determination of the basis for
- 17 the emergency and for the selection of the particular contractor must be included in
- 18 the contract file.
- 19 8. Commodities and services costing less than a specified amount as determined by
- 20 written directive by the director of the office of management and budget.
- 21 9. Specified commodities and services as determined by written directive by the
- 22 director of the office of management and budget.
- 23 10. Employee benefit services, trust-related services, and investment management
- 24 services obtained by an agency with a fiduciary responsibility regarding those
- 25 services.

26 All purchases made by the office of management and budget or a state agency or institution to
27 which authority to purchase has been delegated by the office of management and budget must
28 be made in accordance with this chapter, rules adopted under this chapter, and written policies
29 of the office of management and budget.

30 **SECTION 9. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
31 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in

Sixtieth
Legislative Assembly

1 section 3 of this Act includes \$5,388,000 for the one-time funding items identified in this
2 section. This amount is not a part of the agency's base budget to be used in preparing the
3 2009-11 executive budget. The parks and recreation department shall report to the
4 appropriations committees of the sixty-first legislative assembly on the use of this one-time
5 funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

6 Online reservation system and equipment replacement	\$660,000
7 Parks capital projects and deferred maintenance	2,295,000
8 International Peace Garden capital projects and deferred maintenance	<u>2,433,000</u>
9 Total	\$5,388,000

10 **SECTION 10. EMERGENCY.** The sum of \$233,000 in the capital assets line item in
11 subdivision 1 of section 3 and section 7 of this Act are declared to be an emergency measure.