

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1019**

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 sections 55-08-06 and 55-08-07.1 of the North
3 Dakota Century Code, relating to permits for motor vehicles and parks and the recreation
4 concession revolving fund; to provide a grant to the international peace garden; to provide
5 exemptions; to provide for a legislative management study; 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 funds
8 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 expenses
11 of the parks and recreation department, for providing funding to the Lewis and Clark interpretive
12 center, and for providing a grant to the International Peace Garden, for the biennium beginning
13 July 1, 2017, and ending June 30, 2019, as follows:

14 Subdivision 1.

15 PARKS AND RECREATION DEPARTMENT

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
18 Administration	\$3,043,722	\$625,006	\$3,668,728	
19 Park operations and maintenance	19,877,931	692,627	20,570,558	
20 Recreation	<u>6,407,120</u>	<u>632,434</u>	<u>7,039,554</u>	
21 Total all funds	\$29,328,773	\$1,950,067	\$31,278,840	
22 Less estimated income	<u>14,517,835</u>	<u>3,871,726</u>	<u>18,389,561</u>	
23 Total general fund	\$14,810,938	(\$1,921,659)	\$12,889,279	
24 Full-time equivalent positions	66.00	(3.50)	62.50	

1 Subdivision 2.

2 INTERNATIONAL PEACE GARDEN

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
4 International peace garden	\$973,699	(\$97,370)	\$876,329
6 Total general fund	\$973,699	(\$97,370)	\$876,329

7 Subdivision 3.

8 LEWIS AND CLARK INTERPRETIVE CENTER

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11 Lewis and Clark interpretive center	\$918,279	\$332,408	\$1,250,687
12 Total all funds	\$918,279	\$332,408	\$1,250,687
13 Less estimated income	0	362,019	362,019
14 Total general fund	\$918,279	(\$29,611)	\$888,668

15 Subdivision 4.

16 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
19 Grand total general fund	\$16,702,916	(\$2,048,640)	\$14,654,276
20 Grand total special funds	14,517,835	4,233,745	18,751,580
21 Grand total all funds	\$31,220,751	\$2,185,105	\$33,405,856

22 Funding is adjusted for operating expenses, including inflationary increases at state parks for
 23 water, garbage, fuel, electricity, propane, insurance, and for operating costs related to adding
 24 new buildings and campground loops at various state parks. In addition, funding of \$100,000
 25 from other funds from the department of transportation is added for expenses at the Lewis and
 26 Clark interpretive center.

27 **SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act
 28 includes the sum of \$181,775, of which \$6,572 is from the general fund, for increases in
 29 employee health insurance premiums from \$1,130 to \$1,241 per month.

30 **SECTION 3. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
 31 items approved by the sixty-fourth legislative assembly as adjusted for the 2015-17 biennium.

1	<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
2	Parks enhancements	\$12,751,611	\$0
3	Parks equipment	550,000	0
4	Community grant program	500,000	0
5	International Peace Garden capital project	321,915	0
6	Trail lease renewals	200,000	0
7	Statewide comprehensive outdoor recreation plan	90,000	0
8	Repairs and Lewis and Clark interpretive center	75,000	0
9	50 th anniversary	9,000	0
10	Retirement leave payouts	58,000	0
11	International Peace Garden demolition project	<u>200,000</u>	<u>0</u>
12	Total all funds	\$14,755,526	\$0
13	Less estimated income	<u>345,000</u>	<u>0</u>
14	Total general fund	\$14,410,526	\$0

15 **SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP**

16 **OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be
 17 necessary, included in the park operations and maintenance line item in subdivision 1 of
 18 section 1 of this Act, is from the game and fish operating fund, or federal or other funds
 19 available to the game and fish department, and must be transferred to the parks and recreation
 20 department for maintenance, operating, and extraordinary repairs expenses relating to boat
 21 ramps at state parks for the biennium beginning July 1, 2017, and ending June 30, 2019.

22 **SECTION 5. ESTIMATED INCOME - WATER COMMISSION GRANT EXEMPTION -**

23 **GRANT TO STATE HISTORICAL SOCIETY.** The estimated income line item in section 1 of this
 24 Act includes \$1,000,000 of grant funding received from the state water commission during the
 25 2015-17 biennium for developing recreation opportunities on sovereign lands in the state.
 26 Notwithstanding section 4 of chapter 54 of the 2015 Session Laws, the parks and recreation
 27 department shall use this \$1,000,000 to provide a grant to the state historical society for
 28 defraying the expenses of double ditch historic site repairs for the biennium beginning July 1,
 29 2017, and ending June 30, 2019.

1 **SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**

2 The estimated income line item includes \$100,000 of grant funding from the department of
3 transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center.

4 **SECTION 7. EXEMPTION.** Up to \$500,000 of community grants funding from the general
5 fund included in the recreation line item contained in section 34 of chapter 49 of the 2015
6 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from
7 this appropriation may be expended during the biennium beginning July 1, 2017, and ending
8 June 30, 2019, for the purposes provided in section 55-08-14.1.

9 **SECTION 8. EXEMPTION.** Any funds remaining in the international peace garden line item
10 for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of
11 chapter 15 of the 2013 Session Laws, and continued in the 2015-17 biennium pursuant to
12 section 9 of chapter 53 of the 2015 Session Laws, is not subject to section 54-44.1-11 and any
13 unexpended funds are available for completing the project during the biennium beginning
14 July 1, 2017, and ending June 30, 2019. Funding available for use by the International Peace
15 Garden in this section will be subject to the International Peace Garden raising dollar for
16 matching funds from nonstate of North Dakota sources consistent with the 2013 North Dakota
17 legislative language. The parks and recreation department shall review and accept engineering
18 proposals and specifications before committing additional funds to the project and shall assist
19 with bidding and construction of any work associated with this section.

20 **SECTION 9. EXEMPTION - 2015-17 MATCHING FUNDS REQUIREMENT -**
21 **INTERNATIONAL PEACE GARDEN.** Notwithstanding the provisions of section 9 of chapter 53
22 of the 2015 Session Laws, relating to matching requirements, the International Peace Garden
23 may spend up to \$100,000 of the funds appropriated in subdivision 2 of section 30 of chapter 15
24 of the 2013 Session Laws and continued in the 2015-17 biennium, without raising
25 dollar-for-dollar matching funds prior to spending the funds, for the purpose of completing the
26 demolition project of the peace towers, for the period beginning with the effective date of this Act
27 and ending June 30, 2017.

28 **SECTION 10. EXEMPTION.** Any unexpended funds in the Lewis and Clark interpretive
29 center line item in section 34 of chapter 49 of the 2015 Session Laws, and any unexpended
30 funds of up to \$950,000 of one-time funding for park enhancements included in the natural
31 resources line item in section 34 of chapter 49 of the 2015 Session Laws, designated for the

1 Lewis and Clark interpretive center, is not subject to the provisions of section 54-44.1-11. Any
2 unexpended funds from this appropriation may be expended during the biennium beginning
3 July 1, 2017, and ending June 30, 2019.

4 **SECTION 11. EXEMPTION.** Any unexpended funds from the outdoor heritage grant are not
5 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
6 may be expended during the biennium beginning July 1, 2017, and ending June 30, 2019.

7 **SECTION 12. EXEMPTION.** Up to \$116,000 of Pembina gorge area funding from the
8 general fund included in the natural resources line item contained in section 1 of chapter 53 of
9 the 2015 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended
10 funds from this appropriation may be expended during the biennium beginning July 1, 2017,
11 and ending June 30, 2019, for renting property in the Pembina gorge area for the purpose of
12 providing office space for employees or individuals responsible for monitoring or patrolling the
13 trail systems in the area, designing and implementing a radio communication system for
14 continued monitoring and patrolling of the trail systems, and providing matching funds for
15 grant-funded trail development projects in the Pembina Gorge.

16 **SECTION 13. AMENDMENT.** Section 55-08-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **55-08-06. Permits for motor vehicles.**

19 Unless authorized by the director, a motor vehicle may not enter or be permitted to enter
20 any state park, state recreational area, or reserve unless the operator of the motor vehicle
21 displays upon request a permit issued as provided in this chapter. Permits must be of a size,
22 form, and character as the director prescribes, and the director shall procure permits for each
23 calendar year which by appropriate language must grant permission to use any state park, state
24 recreational area, or reserve. Permits for each calendar year must be provided and placed on
25 sale on or before November first next preceding and used on or at any time after that date until
26 May first of the year following the calendar year for which issued. Permits in each category must
27 be numbered consecutively for each year of issue. Except for senior citizen discounts, a fee of
28 ~~twenty-five~~thirty-five dollars must be charged for each permit issued, except that permits of
29 appropriate special design may be sold individually at a maximum of ~~five~~seven dollars per
30 permit covering the use of state parks, state recreational areas, or reserves under such
31 conditions as the director may prescribe for a designated period of not more than three days.

1 The director may authorize a discount on the sale of annual permits to any resident of North
2 Dakota who is sixty-five years of age or older and who applies for a discount. The fees collected
3 must be deposited in the state park operating fund in the state treasury, unless authorized by
4 the director as follows:

- 5 1. The director may allow other agencies or organizations that have leased state parks,
6 state recreational areas, reserves, or facilities to retain entrance and special permit
7 fees collected by the lessee.
- 8 2. The director may exempt all or any part of any state park, state recreational area, or
9 reserve from the requirement of the motor vehicle permit and fee, for any activity or
10 period, when in the director's judgment it is desirable to do so; provided, however, that
11 no further exceptions may be made after state park revenue bonds are issued and
12 while the bonds are outstanding.

13 **SECTION 14. AMENDMENT.** Section 55-08-07.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **55-08-07.1. State parks and recreation concession revolving fund.**

16 The director shall maintain a state parks and recreation concession revolving fund to be
17 used for the following:

- 18 1. Procurement and maintenance of an inventory of food, nonintoxicating beverages, and
19 other merchandise and supplies of a suitable nature for the operation of concession
20 stands, including payment of costs and travel expenses necessarily incurred to obtain
21 or sell such items.
- 22 2. Repair, replacement, construction, and maintenance of concession buildings, facilities,
23 and properties contained therein.

24 ~~The sum of fifty thousand dollars is hereby established in the state parks and recreation~~
25 ~~concession revolving fund for the purpose provided in this section as a limit on the fund balance~~
26 ~~after accrued liabilities on June thirtieth of each year. Any surplus in this fund in excess of fifty~~
27 ~~thousand dollars on June thirtieth of each year must be transferred to the state park operating~~
28 ~~fund.~~

29 **SECTION 15. NORTHERN PLAINS NATIONAL HERITAGE AREA GRANTS.** The parks
30 and recreation department may apply for northern plains heritage grants during the biennium
31 beginning July 1, 2017, and ending June 30, 2019.

1 **SECTION 16. LEGISLATIVE MANAGEMENT STUDY - TRANSFER OF DAKOTA**

2 **INSTITUTE INVENTORY.** During the 2017-18 interim, the legislative management shall
3 consider studying the feasibility and desirability of transferring the name Dakota institute and all
4 rights, title, interests, and copyrights and up to eighty percent of any remaining inventory of any
5 Dakota institute publication, book, or other document or production, regardless of format to
6 Bismarck state college. The study must consider allowing Bismarck state college to transfer any
7 rights, title, interests, copyrights, inventory of any of the Dakota institute's publications, books,
8 or other documents or productions, regardless of format, to the author or producer of the
9 document or production. The legislative management shall report its findings and
10 recommendations, together with any legislation necessary to implement the recommendations,
11 to the sixty-sixth legislative assembly.

12 **SECTION 17. EMERGENCY.** Section 9 of this Act is declared to be an emergency
13 measure.