

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1019
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to amend and reenact sections 55-08-06 and 55-08-07.1 of the North Dakota Century Code, relating to permits for motor vehicles and parks and the recreation concession revolving fund; to provide a grant to the international peace garden; to authorize the transfer of Dakota institute inventory; to provide exemptions; to provide a statement of legislative intent; 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, for providing funding to the Lewis and Clark interpretive center, and for providing a grant to the International Peace Garden, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

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

Subdivision 2.

INTERNATIONAL PEACE GARDEN

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|----------------------------|-------------------|--|----------------------|
| International peace garden | \$973,699 | (\$97,370) | \$876,329 |
| Total general fund | \$973,699 | (\$97,370) | \$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 | \$918,279 | \$332,408 | \$1,250,687 |
| Total all funds | \$918,279 | \$332,408 | \$1,250,687 |
| Less estimated income | 0 | 362,019 | 362,019 |
| Total general fund | \$918,279 | (\$29,611) | \$888,668 |

Subdivision 4.

BILL TOTAL

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

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

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

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

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

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 for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 5. ESTIMATED INCOME - WATER COMMISSION GRANT - EXEMPTION - GRANT TO STATE HISTORICAL SOCIETY AND RECREATION OPPORTUNITIES ON SOVEREIGN LANDS. The estimated income line item in section 1 of this Act includes \$1,000,000 of grant funding received from the state water commission during the 2015-17 biennium for developing recreation opportunities on sovereign lands in the state. Notwithstanding section 4 of chapter 54 of the 2015 Session Laws, the parks and recreation department shall use this \$1,000,000 to provide:

1. A grant of \$500,000 to the state historical society for defraying the expenses of double ditch historic site repairs for the period beginning with the effective date of this Act, and ending June 30, 2019; and
2. Up to \$500,000 for the purpose of developing recreation opportunities on sovereign lands in the state for the period beginning with the effective date of this Act, and ending June 30, 2019.

SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT. The estimated income line item includes \$100,000 of grant funding from the department of transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center.

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

SECTION 8. EXEMPTION. Any funds remaining in the international peace garden line item for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws, and continued in the 2015-17 biennium pursuant to section 9 of chapter 53 of the 2015 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds are available for completing the project during the biennium beginning July 1, 2017, and ending June 30, 2019. Funding available for use by the International Peace Garden in this section will be subject to the International Peace Garden raising dollar for matching funds from nonstate 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 9. EXEMPTION - 2015-17 MATCHING FUNDS REQUIREMENT - INTERNATIONAL PEACE GARDEN. Notwithstanding the provisions of section 9 of chapter 53 of the 2015 Session Laws, relating to matching requirements, the International Peace Garden may spend up to \$100,000 of the funds appropriated in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws and continued in the 2015-17 biennium, without raising dollar-for-dollar matching funds before spending the funds, for the purpose of completing the demolition project of the peace towers, for the period beginning with the effective date of this Act and ending June 30, 2017.

SECTION 10. EXEMPTION. Any unexpended funds in the Lewis and Clark interpretive center line item in section 34 of chapter 49 of the 2015 Session Laws, and any unexpended funds of up to \$950,000 of one-time funding for park enhancements included in the natural resources line item in section 34 of chapter 49 of the 2015 Session Laws, designated for the Lewis and Clark interpretive center, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be expended during the biennium beginning July 1, 2017, and ending June 30, 2019.

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

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

SECTION 13. LEGISLATIVE INTENT - STATE PARK MARINA SWIMMING RULES. It is the intent of the sixty-fifth legislative assembly that the parks and recreation department establish rules for state park marinas to allow an individual currently renting a slip at the marina and the individual's immediate family members to swim in the marina area subject to the individual and each family member signing a release of liability waiver form developed by the department.

SECTION 14. AMENDMENT. Section 55-08-06 of the North Dakota Century Code is amended and reenacted as follows:

55-08-06. Permits for motor vehicles.

Unless authorized by the director, a motor vehicle may not enter or be permitted to enter any state park, state recreational area, or reserve unless the operator of the motor vehicle displays upon request a permit issued as provided in this chapter. Permits must be of a size, form, and character as the director prescribes, and the director shall procure permits for each calendar year which by appropriate language must grant permission to use any state park, state recreational area, or reserve. Permits for each calendar year must be provided and placed on sale on or before November first next preceding and used on or at any time after that date until May first of the year following the calendar year for which issued. Permits in each category must be numbered consecutively for each year of issue. Except for senior citizen discounts, a fee of ~~twenty-five~~thirty-five dollars must be charged for each permit issued, except that permits of appropriate special design may be sold individually at a maximum of ~~five~~seven dollars per permit covering the use of state parks, state recreational areas, or reserves under such conditions as the director may prescribe for a designated period of not more than three days. The director may authorize a discount on the sale of annual permits to any resident of North Dakota who is sixty-five years of age or older and who applies for a discount. The fees collected must be deposited in the state park operating fund in the state treasury, unless authorized by the director as follows:

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

SECTION 15. AMENDMENT. Section 55-08-07.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

SECTION 16. NORTHERN PLAINS NATIONAL HERITAGE AREA GRANTS. The parks and recreation department may apply for northern plains heritage grants during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 17. TRANSFER OF DAKOTA INSTITUTE INVENTORY. The parks and recreation department shall transfer the name Dakota institute and all rights, title, interests, and copyrights and up to eighty percent of any remaining inventory of any Dakota institute publication, book, or other

document or production, regardless of format to Bismarck state college. Bismarck state college may transfer any rights, title, interests, copyrights, inventory of any of the Dakota institute's publications, books, or other documents or productions, regardless of format, to the author or producer of the document or production.

SECTION 18. EMERGENCY. The sum of \$1,000,000 for providing a grant to the state historical society, and for developing recreation opportunities on sovereign lands in the state appropriated in the administration line item in section 1 of this Act, and sections 5 and 9 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-fifth 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 69 Nays 20 Absent 5

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 1 Absent 2

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,
at _____ o'clock _____ M.

Secretary of State

Honorable Al Jaeger
Secretary of State
Bismarck, North Dakota

I certify this Act, House Bill No. 1019, together with the objections of Governor Burgum, was returned to the House, being the body in which it originated, on April 26, 2017; that the objections of the Governor were read at length on April 26, 2017, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 26, 2017, at 7:17 p.m.; and the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

| | | |
|-------|--------------------------|----|
| Vote: | Yeas | 80 |
| | Nays | 8 |
| | Absent and not voting | 6 |

Speaker of the House

Chief Clerk of the House

Honorable Al Jaeger
Secretary of State
Bismarck, North Dakota

I certify this Act, House Bill No. 1019, together with the objections of Governor Burgum, was received from the House, being the body in which it originated, on April 27, 2017; that the objections of the Governor were read at length on April 27, 2017, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 27, 2017, at 11:08 a.m.; and the roll was called and the Bill failed to pass, with less than two-thirds of the members-elect voting in the affirmative.

| | | |
|-------|--------------------------|----|
| Vote: | Yeas | 21 |
| | Nays | 26 |
| | Absent and not voting | 0 |

President of the Senate

Secretary of the Senate