

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2093

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

SB 2093
1/8/2021

A BILL relating to parks and recreation charges for services.
--

Chair Vedaa opened the hearing on SB 2093 at 10:45 AM. with Sen Vedaa, Sen Meyer, Sen Elkin, Sen K Roers, Sen Wobbema, Sen Weber, and Sen Marcellais.

Discussion Topics:

- Fee updates

Ryan Gardner – ND Parks and Rec Dept explained the bill. #264.

Mike Frohlich –Laughing Sun Brewing Co.- testified in support #301.

Additional written testimony:

Terri Thiel in support #251, #273

Adjourned at 10:43 a.m.

Pam Dever, Committee Clerk

SB 2093:
North Dakota Parks and Recreation Department
Senate Government and Veterans Affairs
Room 216, 10.45 AM
Friday, January 8, 2021

Good morning Chairman Vedaa, members of the committee, my name is Ryan Gardner, West Regional Manager for the North Dakota Parks and Recreation Department. I am testifying on behalf of the Department in support of SB 2093.

The North Dakota Parks and Recreation Department (NDPRD) vision is to enrich generations through experiences that connect people to places. We wish to pursue changes to section 55-08-05, specifically subsections 6 and 7, to allow NDPRD to better meet our local communities' requests, visitors needs and align with national trends.

The NRPRD oversees a total of 15 destination properties. Across these locations, the agency has 16 rental meeting spaces and dozens of outdoor gathering locations such as picnic shelters, amphitheaters, and acres of open green space. Driven by the need for rental space amongst many of our rural communities and our locations' inherent beauty, NDPRD continues to grow as a popular venue for weddings and other community events.

Currently, subsections 6 and 7 of century code 55-08-05 allow for the limited sales of alcohol by concessionaires on Fort Abraham Lincoln State Park's premises and the three properties NDPRD has located on United States Army Corps of Engineers land around Lake Sakakawea. These include Lake Sakakawea State Park, Fort Stevenson State Park, and Lewis and Clark State Park. These four locations makeup a quarter of our destination properties and mainly only service the communities located along the Highway 83 corridor.

As it stands now, visitors can bring their own alcoholic beverages onto NDPRD properties for consumption, given they follow all current state and local laws. Neither the individual nor the agency can bring in a vendor to provide such a service at this time at sites not described in subsections 6 and 7. This results in lost opportunities for local partnerships, local businesses, customer experiences, and Department revenues.

The proposed changes to subsections 6 and 7 creates equity and operational consistencies throughout the Department's portfolio. NDPRD can respond to the changing demand from our visitors and our nearby communities by allowing the appropriate concessionaires the opportunity to provide a service during events held by the public, the agency, and the community.

Therefore, the Department supports SB2093. Mr. Chairman, I would be happy to stand for questions.



STATEMENT IN SUPPORT OF SENATE BILL 2093

January 8, 2021

Chairman Vedaa and Members of the Senate Government and Veterans Affairs Committee:

On behalf of the brewpubs, taprooms and members of the North Dakota Brewers Guild, we urge the Committee to render a DO PASS vote on Senate Bill 2093 as drafted at the request of the North Dakota Parks & Recreation Department. In particular, the changes in paragraph 6 offer licensed craft beverage producers an opportunity to showcase their products at properly permitted events at State Parks.

We appreciate the bill language clarifying and simplifying conditions to participate in events in state parks. This Century Code language provides potential opportunities for NDBG Members to sell locally made beverages which support small businesses across North Dakota and makes sense as tourism and destination trends continue to evolve.

North Dakota is home to almost 30 brewpubs and taprooms across the state and each one contributes to their local communities with charitable efforts, investments and employment. Additionally, our industry directly supports North Dakota's agriculture economy by using home grown grains to produce our products, generating more than \$200 million of annual economic impact.

Again, we respectfully request the Committee to give favorable passage to SB 2093. As always, we invite Committee Members to schedule a tour and a briefing at one of our North Dakota Brewers Guild Members to learn how this industry continues to support tourism and the economy of our State.



#251

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January 8, 2021

To: Senate Government and Veterans Affairs Committee

Re: SB 2093 - ND Parks & Recreation

Dear Chairman Vedaa and Committee Members,

ND Parks and Recreation is an active and important partner for the ND travel industry. This year has demonstrated the public interest to utilize and enjoy our ND State Park systems. With exceptional increases in attendance in 2020, the ND State Parks & Recreation is demonstrating forward thinking with the amendments to NDC Section 55-08-05 with SB 2093.

By removing the current language that restricts concessionaire applications, and by inserting the direct management of the director of ND Parks & Recreation, a broader, more flexible application can be reviewed and either approved or denied by the director.

This would be a positive step that would increase event participation and retail sales benefitting not only the ND Parks & Recreation, but our residents in the state.

While I have submitted testimony as Chair of the ND Travel Alliance Partnership, I also support this bill as the Executive Director of the Dickinson Convention & Visitors Bureau.

Please support SB 2093.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terri Thiel", written over a blue horizontal line.

Terri Thiel
Executive Director

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Travel Alliance Partnership

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Association of North Dakota
Devils Lake CVB
Dickinson CVB
Eastbay Campground
Fargo Air Museum
Fargo-Moorhead CVB
Friends of Lake Sakakawea
Greater Grand Forks CVB
Hampton Inn & Suites Minot
Airport
Jamestown Tourism
Leistikow Park Campground
Lone Butte Ranch/Log Cabin
Vacations
McKenzie County Tourism
Minot Convention & Visitors
Bureau
Missouri Valley Heritage Alliance/
Fort Abraham Lincoln
Foundation
Municipal Airport Authority
of the City of Fargo
National Hospitality Services
Newman Outdoor Advertising
Norsk Hostfest Association
North Dakota Association of
Rural Electric Cooperatives
North Dakota State Fair
North Dakota Tourism Division
(ex-officio)
Odney
Rocky Mountain International
Roosevelt Park Zoo
State Historical Society of
North Dakota Foundation
Theodore Roosevelt Medora
Foundation
Valley City CVB/Sheyenne RV
Scenic Byway
Vern's Rental
Williston CVB

Testimony of Terri Thiel

Chair, Travel Alliance Partnership

In support of SB 2093

January 8, 2021

Chairman Veda and members of the Senate Government and Veterans
Affairs Committee:

My name is Terri Thiel, and I am the chair of the Travel Alliance Partnership (TAP). TAP is a coalition of travel industry stakeholders, including CVBs, state attractions, businesses and other interested stakeholders, in this viable and growing sector of North Dakota's economy. On behalf of the tourism industry and its partners, I am writing to voice support for SB 2093.

SB 2093 removes restrictive language and provides greater flexibility to allow the North Dakota Parks and Recreation Department to approve operating concessionaires on property under the management of its director. The bill allows the director to review, approve, or disapprove concessionaire applications rather than limiting these decisions to fourteen events per year on property leased by the United States Department of the Army, Corps of Engineers.

Passage of SB 2093 would benefit our state by encouraging additional use of North Dakota's great outdoors for events and community gatherings and expand upon reoccurring events, providing further enrichment for our communities, citizens and our state's tourism industry.

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2093
1/15/2021

Relating to Parks and Recreation charges for services

Chair Vedaa called members to order at 9:31 a.m. with Sen Vedaa, Sen Meyer, Sen Elkin, Sen K Roers, Sen Wobbema, Sen Weber, and Sen Marcellais present.

Discussion Topics:

- Committee Work
- Amendment 21.8082.01001

Sen. K Roers: I move amendment 21.8082.01001. **Sen. Meyer:** I second.

Roll call Vote: 7 – YES 0 –NO -0- absent. Motion PASSED

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen K Roers: I move a DO PASS as AMENDED. **Sen Meyer:** I second.

Roll call Vote: 7 -- YES 0 – NO -0-absent PASSED as Amended

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen K Roers will carry the bill.

Adjourned at 9:37 a.m.

Pam Dever, Committee Clerk

January 14, 2021

84
1/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2093

Page 2, line 25, after "licenses" insert "or an event permit"

Page 2, line 25, after "required" insert "or authorized"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2093: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2093 was placed
on the Sixth order on the calendar.

Page 2, line 25, after "licenses" insert "or an event permit"

Page 2, line 25, after "required" insert "or authorized"

Renumber accordingly

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2093

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2093
3/25/2021

Relating to parks and recreation charges for services

Chairman Kasper opened the hearing at 9:13 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Flexibility of concessionaire applications

Ryan Gardner, West Regional Manager, ND Parks and Recreation Department, testified in favor, #10707.

Scott Meske, ND Brewers' Guild, testified in favor.

Rep. Vetter moved an oral amendment to add "food" and add an "emergency clause." Discussion followed, and it was decided to hold on this.

Additional written testimony: #10336, #10553

Chairman Kasper ended at 9:42 a.m.

Carmen Hart, Committee Clerk

SB 2093:
North Dakota Parks and Recreation Department
House Government and Veterans Affairs
Pioneer Room 8:30 AM
Thursday, March 25, 2021

Good morning Chairman Kasper, members of the committee, for the record my name is Ryan Gardner, West Regional Manager for the North Dakota Parks and Recreation Department. I appear today in support of SB 2093.

The vision of North Dakota Parks and Recreation Department (NDPRD) is to enrich generations through experiences that connect people to places. We wish to pursue changes to section 55-08-05, specifically subsections 6 and 7, to allow NDPRD to better meet the requests of our local communities and visiting public as well as better align with national trends.

NDPRD oversees a total of 15 destination properties. Across these locations the agency has 16 rental meetings spaces and dozens of outdoor gathering locations such as picnic shelters, amphitheaters and acres of open green space. Driven by both the need for rental space amongst many of our rural communities and inherent beauty of our locations NDPRD continues to grow as a popular venue for weddings and other family friendly events.

As it stands now visitors can bring their own alcoholic beverages onto the properties for consumption, given they follow all current state and local laws. The individual nor the agency can bring in a vendor to provide such a service at this time at sites not described in subsections 6 and 7. This results in lost opportunities for local partnerships, customer experiences and revenue opportunities.

Currently subsections 6 and 7 of century code 55-08-05 allow for the limited sales of alcohol by concessionaires on the premises of Fort Abraham Lincoln State Park and the three properties we have located on Corps of Engineers properties around Lake Sakakawea. These include Lake Sakakawea State Park, Fort Stevenson State Park and Lewis and Clark State Park. These locations make up only 27% of our destination properties and mainly only service the communities located along the Highway 83 corridor.

The proposed changes to subsections 6 and 7 would allow NDPRD to best adapt to the changing demand from our visitors and our nearby communities by allowing the appropriate concessionaires the opportunity to provide a service during events held by the public, the agency and the community. It would also expand these opportunities across the state and not limit it to those four locations as earlier mentioned.



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March 22, 2021

To: House Government and Veterans Affairs Committee

Re: SB 2093 - ND Parks & Recreation

Dear Chairman Kasper and Committee Members,

ND Parks and Recreation is an active and important partner for the ND travel industry. This year has demonstrated the public interest to utilize and enjoy our ND State Park systems. With exceptional increases in attendance in 2020, the ND State Parks & Recreation is demonstrating forward thinking with the amendments to NDC Section 55-08-05 with SB 2093.

By removing the current language that restricts concessionaire applications, and by inserting the direct management of the director of ND Parks & Recreation, a broader, more flexible application can be reviewed and either approved or denied by the director.

This would be a positive step that would increase event participation and retail sales benefitting not only the ND Parks & Recreation, but our residents in the state.

While I have submitted testimony as Chair of the ND Travel Alliance Partnership, I also support this bill as the Executive Director of the Dickinson Convention & Visitors Bureau.

Please support SB 2093.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terri Thiel".

Terri Thiel
Executive Director

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#10553

Travel Alliance Partnership

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Commerce
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Association of North Dakota
Devils Lake CVB
Dickinson CVB
Eastbay Campground
Fargo Air Museum
Fargo-Moorhead CVB
Friends of Lake Sakakawea
Greater Grand Forks CVB
Hampton Inn & Suites Minot
Airport
Jamestown Tourism
Leistikow Park Campground
Lone Butte Ranch/Log Cabin
Vacations
McKenzie County Tourism
Minot Convention & Visitors
Bureau
Missouri Valley Heritage Alliance/
Fort Abraham Lincoln
Foundation
Municipal Airport Authority
of the City of Fargo
National Hospitality Services
Newman Outdoor Advertising
Norsk Hostfest Association
North Dakota Association of
Rural Electric Cooperatives
North Dakota State Fair
North Dakota Tourism Division
(ex-officio)
Odney
Rocky Mountain International
Roosevelt Park Zoo
State Historical Society of
North Dakota Foundation
Theodore Roosevelt Medora
Foundation
Valley City CVB/Sheyenne RV
Scenic Byway
Vern's Rental
Williston CVB

Testimony of Terri Thiel

Chair, Travel Alliance Partnership

In support of SB 2093

March 25, 2021

Chairman Kasper and members of the House Government and Veterans
Affairs Committee:

My name is Terri Thiel, and I am the chair of the North Dakota Travel
Alliance Partnership (ND TAP). ND TAP is a coalition of travel industry
stakeholders, including CVBs, state attractions, businesses and other
interested stakeholders, in this viable and growing sector of North Dakota's
economy. On behalf of the tourism industry and its partners, I am writing to
voice support for SB 2093.

SB 2093 removes restrictive language and provides greater flexibility to allow
the North Dakota Parks and Recreation Department to approve operating
concessionaires on property under the management of its director. The bill
allows the director to review, approve or disapprove concessionaire
applications rather than limiting these decisions to 14 events per year on
property leased by the United States Department of the Army, Corps of
Engineers.

Passage of SB 2093 would benefit our state by encouraging additional use of
North Dakota's great outdoors for events and community gatherings and

expand upon reoccurring events, providing further enrichment for our communities, citizens and our state's tourism industry.

ND TAP asks the House Government and Veterans Affairs Committee recommend a do-pass on SB 2093.

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2093
3/26/2021

Relating to parks and recreation charges for services

Chairman Kasper opened the committee work meeting at 9:51 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Amendment
- Committee action

Rep. Ostlie presented **amendment 21.8082.02002**, #10843, and **Christmas tree version**, #10845 and moved to **adopt**. **Rep. Schauer** seconded. **Voice vote. Motion carries.**

Rep. Ostlie moved **Do Pass as amended**. **Rep. Magrum** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	N
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

Motion passes. 13-1-0. **Rep. Ostlie** is the carrier.

Chairman Kasper ended at 10:01 a.m.

Carmen Hart, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2093

Page 1, line 2, after "services" insert "; and to declare an emergency"

Page 2, line 12, after "facilities" insert "and allow"

Page 2, line 12, overstrike "except"

Page 2, line 13, overstrike "sales"

Page 2, line 13, overstrike "subsections" and insert immediately thereafter "subsection"

Page 2, line 13, overstrike "and 7"

Page 2, line 15, after the second "the" insert "use of food vendors or the"

Page 3, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2093, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2093 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "; and to declare an emergency"

Page 2, line 12, after "facilities" insert "and allow"

Page 2, line 12, overstrike "except"

Page 2, line 13, overstrike "sales"

Page 2, line 13, overstrike "subsections" and insert immediately thereafter "subsection"

Page 2, line 13, overstrike "and 7"

Page 2, line 15, after the second "the" insert "use of food vendors or the"

Page 3, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

21.8082.02001
Title.

Prepared by the Legislative Council staff for
Representative Ostlie
March 25, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2093

Page 1, line 2, after "services" insert "; and to declare an emergency"

Page 2, line 12, after "facilities" insert "and allow"

Page 2, line 12, overstrike "except" and insert immediately thereafter "and"

Page 2, line 13, overstrike "subsections" and insert immediately thereafter "subsection"

Page 2, line 13, overstrike "and 7"

Page 2, line 15, after the second "the" insert "use of food trucks or the"

Page 3, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

21.8082.02001

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2093

Introduced by

Government and Veterans Affairs Committee

(At the request of the Parks and Recreation Department)

1 A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code,
2 relating to parks and recreation charges for services; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 55-08-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **55-08-05. Charges for services.**

7 The director may provide special services within state parks, state campgrounds, state
8 recreation areas, and reserves; provide special technical assistance services; and make rules
9 for the use of those services. The director shall establish and cause to be collected charges,
10 fees, and rentals for the use of all special services, and shall revise the same, when necessary,
11 in the manner that the revenue derived will be sufficient to pay the cost of providing each
12 service and to pay the principal of and interest on all bonds issued for projects furnishing the
13 facilities for the services, and to maintain a reserve for the security of the bonds. The director
14 may waive the collection of charges, fees, and rentals for the use of special services by health
15 care-related charitable organizations conducting group camp activities without charge to
16 participants. However, the director shall waive the collection of charges, fees, and rentals for the
17 use of all special services by any care-related charitable organization sponsoring or conducting
18 summer group camp activities without charge for fourteen days for children from age eight
19 through age fourteen who have diabetes. Nothing in this section requires the director to provide
20 camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal
21 impacts upon the department. Specifically, the director may:

- 22 1. Provide special parking space for automobiles or other motor-driven vehicles in any
23 state park or state recreation area.

2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for the space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities and allow for the sale to the public of food, nonintoxicating beverages, ~~except~~and beer and wine sales as provided in ~~subsections~~subsection 6 ~~and 7~~, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the use of food trucks or the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Allow the sale of beer and wine by operating concessionaires on property ~~leased to the department by the United States department of the army, corps of engineers under the management of the director,~~ if the concessionaire ~~also obtains~~holds the appropriate local and state retail licenses or an event permit required or authorized by ~~section 5-02-04~~chapter 5-02.
7. ~~Allow the sale of on-sale beer and wine by operating, liquor-licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri River and which is within fifteen miles [24.14 kilometers] of a city~~

1 ~~with a population in excess of twenty thousand, if the concessionaire also obtains the~~
2 ~~appropriate local and state licenses required by section 5-02-01.~~

3 8. Charge and collect motor vehicle permit fees in the amounts prescribed by the
4 legislative assembly, which fees are and must be imposed for the sole purposes of
5 paying capital costs of projects required to provide the special services herein
6 described and referred to, and of meeting the principal and interest and reserve
7 requirements of bonds issued to finance such projects.

8 9.8. Charge a fee for providing special technical assistance to groups requesting
9 information from the natural heritage inventory database.

10 10.9. Allow the sale of advertising in parks and recreation publications. The director may
11 make rules regarding advertisement contracts and charges, space availability, and
12 content.

13 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.