

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1019
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department and for providing a grant to the International Peace Garden; to provide for matching funds; to provide an exemption; 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 and for providing a grant to the International Peace Garden, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|--------------------------------|-------------------|--|----------------------|
| Administration | \$2,484,885 | \$188,708 | \$2,673,593 |
| Accrued leave payments | 0 | 181,577 | 181,577 |
| Natural resources | 12,768,203 | 8,325,122 | 21,093,325 |
| Recreation | <u>7,489,091</u> | <u>(1,403,216)</u> | <u>6,085,875</u> |
| Total all funds | \$22,742,179 | \$7,292,191 | \$30,034,370 |
| Less estimated income | <u>11,641,532</u> | <u>359,199</u> | <u>12,000,731</u> |
| Total general fund | \$11,100,647 | \$6,932,992 | \$18,033,639 |
| Full-time equivalent positions | 54.00 | 1.00 | 55.00 |

Subdivision 2.

INTERNATIONAL PEACE GARDEN

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|----------------------------|-------------------|--|----------------------|
| International Peace Garden | <u>\$773,699</u> | <u>\$1,450,000</u> | <u>\$2,223,699</u> |
| Total general fund | \$773,699 | \$1,450,000 | \$2,223,699 |

Subdivision 3.

BILL TOTAL

| | <u>Base Level</u> | <u>Adjustments or Enhancements</u> | <u>Appropriation</u> |
|---------------------------|-------------------|--|----------------------|
| Grand total general fund | \$11,874,346 | \$8,382,992 | \$20,257,338 |
| Grand total special funds | <u>11,641,532</u> | <u>359,199</u> | <u>12,000,731</u> |
| Grand total all funds | \$23,515,878 | \$8,742,191 | \$32,258,069 |

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the

sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

| <u>One-Time Funding Description</u> | <u>2011-13</u> | <u>2013-15</u> |
|---|------------------|------------------|
| Parks capital projects and deferred maintenance | \$5,269,210 | \$3,897,800 |
| Parks equipment | 116,000 | 350,000 |
| Lewis and Clark interpretive center grant | 0 | 1,350,000 |
| Little Missouri state park trail leases | 85,000 | 0 |
| Parks SCORP plan | 40,000 | 0 |
| Parks strategic plans | 0 | 100,000 |
| Community grant program | 0 | 500,000 |
| International Peace Garden capital projects | <u>267,000</u> | <u>1,250,000</u> |
| Total all funds | \$5,777,210 | \$7,447,800 |
| Less estimated income | <u>1,028,000</u> | <u>1,270,300</u> |
| Total general fund | \$4,749,210 | \$6,177,500 |

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 3. 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 natural resources 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, 2013, and ending June 30, 2015.

SECTION 4. MATCHING REQUIREMENT - INTERPRETIVE EXHIBITS. The natural resources line item in subdivision 1 of section 1 of this Act includes the sum of \$200,000 for completion of interpretive exhibits at the Icelandic state park visitor center. This amount consists of \$150,000 from the parks and recreation fund, derived from park fees and other income, and \$50,000 from the state parks gift fund. The \$50,000 appropriated from the state parks gift fund must be provided to the department as matching funds from nonstate sources for the completion of the interpretive exhibits.

SECTION 5. EXEMPTION. Up to \$500,000 of community grants funding from the general fund included in the recreation line item contained in subdivision 1 of section 1 of this Act 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, 2015, and ending

June 30, 2017, for the purposes provided in section 55-08-14.1.

SECTION 6. OIL-RELATED REVENUE - NEW WELLS. Fifteen percent of any revenue received by the department from oil wells completed after July 1, 2013, must be used for the community grants program for the biennium beginning July 1, 2013, and ending June 30, 2015. Any remaining revenue received from these oil wells may only be used for one-time funding items.

SECTION 7. MARINA PURCHASE - APPRAISAL - EMERGENCY COMMISSION APPROVAL. The natural resources line item in subdivision 1 of section 1 of this Act includes \$387,500 from the general fund and \$387,500 from other funds for the purchase of a marina. The parks and recreation department must obtain an appraisal from a certified appraiser prior to the purchase of the marina. If the appraisal value exceeds \$775,000, the department may request emergency commission approval to spend an additional \$25,000 of other funds for the marina.

SECTION 8. PEMBINA GORGE AREA PROJECT. The natural resources line item in subdivision 1 of section 1 of this Act includes \$300,000 from the general fund which the parks and recreation department may use to rent 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, developing a plan for continued monitoring and patrolling of the trail systems, and to determine the feasibility of establishing an interpretive center.

SECTION 9. CONTINGENT FUNDING - INTERNATIONAL PEACE GARDEN CAPITAL PROJECTS. The sum of \$1,250,000 from the general fund included in subdivision 2 of section 1 of this Act is for an engineering study and repair of the peace tower at the International Peace Garden and to the extent funds remain, other infrastructure improvements. The funding is contingent upon the International Peace Garden raising matching funds on a dollar-for-dollar basis from nonstate sources. Up to ten percent of the funds provided from the general fund are for the engineering study and emergency repairs and are not subject to the match requirement. The parks and recreation department shall accept and review engineering proposals and recommendations of the study before committing additional funds to the project and shall assist with bidding and construction oversight of any repair work.

SECTION 10. EMERGENCY. The natural resources line item in subdivision 1 of section 1 of this Act includes \$3,730,000, of which \$2,930,000 is from the general fund and \$800,000 is from special funds derived from federal funds and other income for various capital projects, and subdivision 2 of section 1 of this Act includes \$125,000 from the general fund for an engineering study of the peace tower and emergency repairs at the International Peace Garden, which 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-third 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 65 Nays 25 Absent 4

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 3 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State