

**Sixtieth Legislative Assembly of North Dakota  
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2019  
(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 the International Peace Garden; to provide contingent appropriations for the international music camp and boat ramp improvements; to provide for a transfer; to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating to state procurement; to provide for a report; and to declare an emergency.

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

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

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

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

Subdivision 2.

INTERNATIONAL PEACE GARDEN

International Peace Garden	\$602,854
Total general fund - Base level	<u>\$602,854</u>
Total general fund - Section 1	\$8,144,153
Total special funds - Section 1	\$13,427,583
Total all funds - Section 1	<u>\$21,571,736</u>

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the parks and recreation department which are included in the appropriation in section 3 of this Act as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

Administration	\$305,376
Natural resources	3,318,236
Recreation	(237,707)
Capital assets	707,500
Lewis and Clark bicentennial	(617,335)
Total all funds - Adjustments/enhancements	<u>\$3,476,070</u>
Less estimated income - Adjustments/enhancements	<u>(79,194)</u>
Total general fund - Adjustments/enhancements	<u>\$3,555,264</u>

Subdivision 2.

INTERNATIONAL PEACE GARDEN

International Peace Garden	\$2,567,000
International music camp contingency	<u>400,000</u>
Total all funds - Adjustments/enhancements	\$2,967,000
Less estimated income - Adjustments/enhancements	<u>200,000</u>
Total general fund - Adjustments/enhancements	\$2,767,000
Total general fund - Section 2	\$6,322,264
Total special funds - Section 2	\$120,806
Total all funds - Section 2	\$6,443,070

**SECTION 3. 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 the International Peace Garden, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

Administration	\$2,110,099
Natural resources	12,990,479
Recreation	8,636,874
Capital assets	<u>707,500</u>
Total all funds	\$24,444,952
Less estimated income	<u>13,348,389</u>
Total general fund appropriation	\$11,096,563

Subdivision 2.

INTERNATIONAL PEACE GARDEN

International Peace Garden	\$3,169,854
International music camp contingency	<u>400,000</u>
Total all funds	\$3,569,854
Less estimated income	<u>200,000</u>
Total general fund appropriation	\$3,369,854
Grand total general fund appropriation - S.B. 2019	\$14,466,417
Grand total special funds appropriation - S.B. 2019	\$13,548,389
Grand total all funds appropriation - S.B. 2019	\$28,014,806

**SECTION 4. GAME AND FISH OPERATING FUND - TRANSFER.** The sum of \$381,750, or so much of the sum as may be necessary, included in the estimated income line item in subdivision 1 of section 3 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 various state parks for the biennium beginning July 1, 2007, and ending June 30, 2009. Of the \$381,750, \$109,750 is for boat ramp improvements at Fort Stevenson state park and may only be spent if the corps of engineers does not begin construction of the marina at Fort Stevenson by March 31, 2008.

**SECTION 5. CONTINGENT APPROPRIATION - INTERNATIONAL MUSIC CAMP.** The sum of \$200,000 included in the international music camp contingency line item in section 3 of this Act is from the general fund, and the sum of \$200,000 included in the international music camp contingency line item in section 3 of this Act is from other funds available to the International Peace Garden. The International Peace Garden may only spend the general fund appropriation to the extent other funds become available on a dollar-for-dollar matching basis.

**SECTION 6. CAPITAL ASSETS - INSURANCE PROCEEDS - APPROPRIATION.** The amount in the capital assets line item in subdivision 1 of section 3 of this Act includes \$125,000 from the general fund and \$108,000 from insurance proceeds to be used to replace a maintenance building and other capital assets owned by the parks and recreation department that were destroyed by fire.

Any additional income from insurance proceeds, in excess of the \$108,000, is appropriated, for the period beginning with the effective date of this Act and ending June 30, 2009, to the parks and recreation department to assist with the replacement of the maintenance building and other capital assets.

**SECTION 7. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

**SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$5,388,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The parks and recreation department shall report to the appropriations committees of the sixty-first

legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

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

**SECTION 9. EMERGENCY.** The sum of \$233,000 in the capital assets line item in subdivision 1 of section 3 and section 6 of this Act are declared to be an emergency measure.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2019 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          47                  Nays          0                  Absent        0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          90                  Nays          3                  Absent        1

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

at \_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State