



May 19, 2025

The Honorable Robin Weisz  
Speaker of the House  
North Dakota House of Representatives  
State Capitol  
Bismarck, ND 58505

Dear Speaker Weisz:

This is to inform you that on May 19, 2025, I have signed House Bill 1019 and filed it with the Secretary of State. I also have vetoed Section 8 of HB 1019.

Sincerely,

  
Kelly Armstrong  
Governor

Received by:



Date:

5-19-25

Time:

3:05pm



May 19, 2025

The Honorable Robin Weisz  
Speaker of the House  
North Dakota House of Representatives  
State Capitol  
Bismarck, ND

Re: Section 8 of House Bill 1019

Dear Speaker Weisz:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed House Bill 1019 and filed it with the Secretary of State. I also have vetoed Section 8 of House Bill 1019.

The North Dakota Constitution provides the governor may veto items in an appropriation bill. Section 8 of House Bill 1019 is an item in an appropriation bill, specifically a policy item aimed at curtailing the Parks and Recreation Department's authority to create and rename state parks. Section 8 requires Legislative Assembly approval for the creation or renaming of state parks. This policy not only encroaches on the executive branch's function to faithfully execute laws passed by the Assembly but also leads to absurd results. For instance, if federal dollars were contingent on the renaming of a state park, or if the Director of Parks and Recreation exercised his statutory duty to acquire land for a new state park, a special session would be required. The entire Legislative Assembly must then convene, agree on a new name, have the new name pass through both chambers, and be signed into law.

The christening and renaming of state parks is not a decision made lightly by the Parks and Recreation Department or this office. It requires input from multiple stakeholders, including historians and local members of the community. Asking permission from the Legislative Assembly to perform a statutory duty squarely within the executive branch's purview by inserting legislative directives into operational decisions that are already subject to appropriate checks and balances disregards the notion of three coequal branches. Good governance demands clarity, efficiency, and respect for the separation of powers, and this provision undermines all three.

Even though Section 8 itself does not contain an appropriation, not allowing the line-item veto power would force the executive branch to either accept a policy amendment or risk the overall appropriation for an executive branch agency. This would encourage the practice of logrolling, thereby disrupting an essential check and balance and violating the principle of separation of powers.

For the reasons said above, Section 8 of House Bill 1019 is vetoed.

Sincerely,



Kelly Armstrong  
Governor

**Sixty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2025**

**HOUSE BILL NO. 1019  
(Appropriations Committee)**

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to the creation and naming of state parks; to provide for a transfer; to provide for a report; and to provide an exemption.

**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 other funds derived from special funds and federal funds, 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, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

**PARKS AND RECREATION DEPARTMENT**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,999,629	(\$219,225)	\$2,780,404
Parks operations and maintenance	24,128,685	19,088,428	43,217,113
Recreation	11,465,641	855,335	12,320,976
New and vacant FTE pool	0	679,393	679,393
Total all funds	\$38,593,955	\$20,403,931	\$58,997,886
Less other funds	24,893,684	19,701,790	44,595,474
Total general fund	\$13,700,271	\$702,141	\$14,402,412
Full-time equivalent positions	65.00	11.00	76.00

Subdivision 2.

**INTERNATIONAL PEACE GARDEN**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$1,126,329	\$1,967,500	\$3,093,829
Total all funds	\$1,126,329	\$1,967,500	\$3,093,829
Less other funds	0	1,967,500	1,967,500
Total general fund	\$1,126,329	\$0	\$1,126,329

Subdivision 3.

**SECTION 1 TOTAL**

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$39,720,284	\$22,371,431	\$62,091,715
Less grand total other funds	24,893,684	21,669,290	46,562,974
Grand total general fund	\$14,826,600	\$702,141	\$15,528,741

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Equipment	\$250,000	\$250,000	\$500,000
Deferred maintenance	0	12,500,000	12,500,000
State parks comfort stations	0	924,000	924,000
State parks technology enhancements	0	2,500,000	2,500,000
Lake Metigoshe state park sewer project	0	800,000	800,000
State parks matching grants	0	2,500,000	2,500,000
International Peace Garden music camp project	0	1,400,000	1,400,000
International Peace Garden sewer, water, and irrigation master development plan	0	250,000	250,000
International Peace Garden conservatory project	0	317,500	317,500
Total	\$250,000	\$21,441,500	\$21,691,500

**SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The parks and recreation department may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

**SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORTING.** In addition to the amounts appropriated in section 1 of this Act, any additional federal or special funds that become available are appropriated to the parks and recreation department, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall report any additional income under this section to the office of management and budget and the legislative council.

**SECTION 5. TRANSFER - GAME AND FISH DEPARTMENT TO PARKS AND RECREATION DEPARTMENT - GAME AND FISH OPERATING FUND - 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, which 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, 2025, and ending June 30, 2027.

**SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The other funds line item in section 1 of this Act includes \$19,941,500 from the strategic investment and improvements fund, of which:

1. \$12,500,000 is for deferred maintenance at state parks, \$924,000 is for comfort stations at state parks, \$2,500,000 is for state parks technology enhancements, \$800,000 is for a Lake Metigoshe state park sewer infrastructure project, \$1,250,000 is for state parks matching funds, \$1,400,000 is for an international music camp complex revitalization project at the International Peace Garden, \$250,000 is for a sewer, water, and irrigation master development plan at the International Peace Garden, and \$317,500 is for a cactus conservatory project at the International Peace Garden.
2. The parks and recreation department may use funding appropriated for deferred maintenance at state parks for the purchase of buildings to replace currently owned buildings that are beyond feasible repair.



3. The parks and recreation department shall use the \$800,000 identified in this section for the Lake Metigoshe state park sewer infrastructure project to provide a grant to a local sewer district to replace or repair the sewer infrastructure system servicing Lake Metigoshe state park and surrounding areas. Grant funding awarded under this section may not exceed twenty percent of the total project cost to replace or repair the sewer infrastructure system.

**SECTION 7. INTERNATIONAL PEACE GARDEN.** The International Peace Garden line item in section 1 of this Act includes \$1,967,500 for projects at the International Peace Garden, which the parks and recreation department may provide only to the extent the funds are matched by the province of Manitoba at a value equal to the United States dollar exchange rate on July 1, 2025.

~~**SECTION 8.** A new section to chapter 55-08 of the North Dakota Century Code is created and enacted as follows:~~

~~**Creation and naming of state parks.**~~

~~Notwithstanding any other provision of law, a state agency or official may not create a new state park or rename an existing state park without prior approval from the legislative assembly.~~


**SECTION 9. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:


1. The sum of \$634,126 appropriated from the parks and recreation fund for extraordinary repairs in subdivision 1 of section 1 of chapter 44 of the 2019 Session Laws, continued into the 2021-23 biennium in section 13 of chapter 19 of the 2021 Session Laws, and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
2. The sum of \$200,000 appropriated from the general fund for trail lease renewals and construction or purchasing trail easements in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
3. The sum of \$50,000 appropriated from the general fund for the Fort Abraham Lincoln viewshed lease in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws for plantings to improve the viewshed.
4. The sum of \$10,000,000 appropriated from the federal state fiscal recovery fund for deferred maintenance and capital projects in subsection 9 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
5. The sum of \$5,000,000 appropriated from the state fiscal recovery fund for the grants to local park districts to renovate and upgrade existing facilities in subsection 5 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
6. The sum of \$1,632,800 appropriated from the state fiscal recovery fund and local matching funds for capital project improvements at state parks, subject to the parks and recreation department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis in section 7 of chapter 19 of the 2021 Session Laws as amended in section 4 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
7. The sum of \$7,900,000 appropriated from the state fiscal recovery fund for the deferred maintenance and capital projects in section 6 of chapter 19 of the 2021 Session Laws as

amended by section 3 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.

8. The sum of \$800,000 appropriated from the strategic investment and improvements fund for a pavilion construction project at the International Peace Garden in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
9. The sum of \$10,000,000 appropriated from the strategic investment and improvements fund for deferred maintenance and capital projects in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
10. The sum of \$2,400,000 appropriated from the strategic investment and improvements fund for a cabin construction project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
11. The sum of \$250,000 appropriated from the strategic investment and improvements fund for a Lake Metigoshe reimagined project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
12. The sum of \$6,000,000 appropriated from the strategic investment and improvements fund for city, county, and tribal park system grants in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
13. The sum of \$70,000,000 appropriated from special funds derived from a Bank of North Dakota line of credit for the Theodore Roosevelt presidential library project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws, which may be used only for providing reimbursement of construction costs associated with building the Theodore Roosevelt presidential library, including fixtures, furnishings, exhibit structures, supplies, and materials.
14. The sum of \$6,000,000 appropriated from the strategic investment and improvements fund for a Pembina Gorge campground project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
15. The sum of \$3,000,000 appropriated from the strategic investment and improvements fund and matching funds for state park matching grants subject to the parks and recreation department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
16. The sum of \$2,000,000 appropriated from grant funds from the state water commission for sovereign land grants in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws. The department may use up to \$450,000 of this funding for deferred maintenance projects at state parks and for the purchase of equipment. All other remaining funding under this subsection must be used for sovereign land grants.

  
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-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1019.

House Vote:      Yeas 76              Nays 13              Absent 5

Senate Vote:      Yeas 34              Nays 12              Absent 1

  
Chief Clerk of the House

Received by the Governor at 4:07 P M. on May 2nd, 2025.

Approved at 10:09 A M. on May 19th, 2025.

  
Governor

Filed in this office this 19th day of May, 2025,  
at 3:39 o'clock P M.

  
Secretary of State