

# STATE HISTORICAL SOCIETY AND STATE PARKS

## CHAPTER 501

SENATE BILL NO. 2023  
(Legislative Council)  
(Interim Committee on Budget "C")

### JURISDICTION OVER HERITAGE CENTER

AN ACT to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to the state historical board's jurisdiction over the North Dakota heritage center.

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

SECTION 1.) A new section to chapter 55-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

HISTORICAL BOARD TO HAVE JURISDICTION OVER HERITAGE CENTER.) The state historical board shall have jurisdiction over the administration and operations of the North Dakota heritage center building. The director of institutions shall be responsible for maintenance of the heritage center building. The state historical board shall be responsible for the maintenance of the board's collections displayed and stored at the heritage center, and shall provide, or arrange, for the security of those collections.

Approved February 25, 1977

## CHAPTER 502

HOUSE BILL NO. 1022  
(Legislative Council)  
(Interim Committee on Budget "C")

## STATE ARCHIVES

AN ACT to provide for an economical and efficient method of preserving public records for research, reference, or other uses to document governmental actions; to create and enact a new subsection to section 11-17-08 of the North Dakota Century Code, relating to destruction of records by the clerk of court; and to amend and reenact sections 11-13-17, 11-17-09, 40-16-10, 54-46-03, subsection 3 of section 54-46-04, subsection 3 of section 54-46-05, sections 54-46-08, 54-46-08.1, 54-46-09, 54-46-12, 54-46-13, and 58-07-05 of the North Dakota Century Code, relating to destruction of county records, destruction of city records, duties of the state records administrator, duties of state agency heads, disposal of records, preservation of records, destruction of nonrecord materials, uniform system of county records management, rules for destruction of certain welfare records, and destruction of township records.

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

SECTION 1. DEFINITION OF ARCHIVAL RESOURCES.) As used in this Act, "archival resources" means those noncurrent public records which are no longer essential to the functioning of the agency of origin and which the state archivist determines to have permanent value for research, reference, or other use appropriate to document the organization, function, policies, and transactions of government.

SECTION 2. STATE ARCHIVIST - COMPENSATION.) The superintendent of the state historical board shall employ an archivist in the position of state archivist, who shall be under the general supervision of the superintendent, and any other personnel necessary to administer this Act. The compensation of personnel employed by the superintendent shall be set within the limits of legislative appropriations.

SECTION 3. DUTIES OF STATE ARCHIVIST.) The state archivist shall:

1. Establish and maintain a program for the selection and

preservation of state records and advise in the establishment of programs for the selection and preservation of local records.

2. Give advice and assistance on problems concerning archival resources to any legislative, executive, or judicial officer of the state or any political subdivision of the state when so requested.
3. Be the official custodian of the archival resources of the state.
4. Receive all records transferred to the state archivist for retention as archival resources.
5. Assess, assemble, catalog, house, preserve, and service the archival resources of the state.
6. Make the archival resources in the custody of the state archivist available to serve the administrative and informational needs of state and local government and the people of the state.

SECTION 4. AUTHORITY OF STATE ARCHIVIST CONCERNING RECORDS FROM PRIVATE SOURCES.) The state archivist may negotiate for, acquire, and receive records, writings, and illustrative materials of permanent value from nonpublic sources for research and reference purposes.

SECTION 5. DEPOSITORIES OF ARCHIVAL RESOURCES.) The state historical board shall be the depository of the archival resources of the state. However, the state historical board may enter into agreements with the state universities or any other public or quasi-public or private institutions, agencies, or corporations to serve as depositories of regional archival resources. The agreements shall specify the area to be served by the depositories and the method of assessing, cataloguing, housing, preserving, and servicing materials placed by the state archivist in the regional depositories. The state archivist may deposit in regional depositories, with title remaining with the state historical board, the records of state agencies or their district or regional offices which are primarily located in the geographic area serviced by the depository. All archival resources from central departments, offices, and agencies shall be placed in the main archives in the heritage center in Bismarck under the state historical board's immediate jurisdiction. However, the state archivist may place archival resources temporarily at a regional depository. The state archivist may take any steps deemed necessary to provide for the safety of archival resources and other articles and materials entrusted to the archivist's custody in the archives, including temporary removal to safer locations, as may be dictated by any disaster emergency situation.

SECTION 6. RECEIPTS FOR ARCHIVAL RESOURCES.) The state archivist shall prepare receipts for any archival resources acquired and shall deliver one copy to the state records administrator, one copy to the person or agency from which the archival resources were obtained, and shall retain one copy.

SECTION 7. SAFEGUARDING OF RESTRICTED RECORDS.) The state archivist shall take all precautions necessary to ensure that records placed in the custody of the state archivist, the use of which is restricted by or pursuant to law or for reasons of security and public interest, shall be inspected, surveyed, or otherwise used only in accordance with law and regulations adopted by the state archivist in consultation with the person or agency of origin. No public record of any governmental entity shall be placed in the custody of the state archivist under access or use restrictions in violation of section 44-04-18.

SECTION 8. AVAILABILITY OF ARCHIVAL RESOURCES TO THE PUBLIC.) Subject to section 7, the state archivist shall make archival resources under supervision of the state archivist available to public agencies and the public at reasonable times, subject to appropriate restrictions and regulations. Should any college or university library in this state request records found to be archival resources under section 54-46-08.1, duplicate copies of specified records shall be made available under mutually agreed upon terms. The state archivist shall carefully protect and preserve archival resources from deterioration, destruction, or loss through application of appropriate techniques for preserving archival and library materials.

SECTION 9. ADOPTION OF RULES.) Chapter 28-32 shall apply to regulations adopted by the state archivist.

SECTION 10. AMENDMENT.) Section 11-13-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-13-17. DESTRUCTION OF COUNTY RECORDS.) After the same have first been offered to the state archivist for preservation as archival resources, the county auditor shall destroy by any suitable means as determined by the board of county commissioners any of the following record books, forms, or blanks, after the same have become ten years old:

1. Election pollbooks.
2. Election registration books.
3. Petitions of candidates.
4. All election forms, blanks, books, and records of every kind and description except abstracts of votes.
5. Assessment slips.

6. Crops statistics books.
7. Hail insurance books.
8. Hail insurance applications and withdrawals.
9. Collection sheets for writing up tax collections.
10. Tax certificates which have been paid or redeemed.
11. Tax levy blanks of school districts, townships, and cities.
12. Tax receipts.
13. Township board of review records and school district posting books.
14. Claims vouchers which have been audited and paid.
15. Certificate of officials' bonds.
16. Insurance policies which have become obsolete.
17. Applications for abatement of taxes, approved or rejected.
18. Warrants and warrant-checks when a microfilm record thereof has been made.

The county auditor shall destroy by any suitable means as determined by the board of county commissioners any of the following, after the same have become thirty years old:

1. Assessment rolls.
2. Warrants and warrant-checks.

SECTION 11.) A new subsection to section 11-17-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

No records shall be destroyed in accordance with this section without first being offered to the state archivist for preservation as archival resources.

SECTION 12. AMENDMENT.) Section 11-17-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-17-09. RECORD MADE OF FILES DESTROYED.) At the time the files, shorthand notes, or exhibits referred to in section 11-17-08 are destroyed or transferred to the state archivist, the clerk of court shall make a record upon the margin or elsewhere upon the

entry in the register of actions, or the docket of such judgment, indicating the removal and final disposition of such files, shorthand notes, or exhibits and the date thereof.

SECTION 13. AMENDMENT.) Section 40-16-10 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-16-10. DESTRUCTION OF CITY RECORDS.) After the same have first been offered to the state archivist for preservation as archival resources, the city auditor shall destroy by any suitable means as determined by the governing body of the city any of the following records, forms, or blanks after the same have become five years old:

1. Election pollbooks.
2. Election registration books.
3. Petitions of candidates.
4. All election forms, blanks, books, and records of any kind and description except abstracts of votes.
5. Assessment slips.
6. Claims vouchers which have been audited and paid.
7. Certificates of officials' bonds.
8. Insurance policies which have become obsolete.
9. Any other documents the governing body deems necessary.

SECTION 14. AMENDMENT.) Section 54-46-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-03. STATE RECORDS ADMINISTRATOR.) The secretary of state is hereby designated the "state records administrator", hereinafter called the "administrator". The administrator shall establish and administer in the executive branch of state government a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, and final disposition of state records.

SECTION 15. AMENDMENT.) Subsection 3 of section 54-46-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the final disposition of state records no longer possessing administrative, legal, or fiscal value.

SECTION 16. AMENDMENT.) Subsection 3 of section 54-46-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Submit to the administrator, in accordance with the standards established by him, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency. The head of each agency also shall submit lists of state records in his custody that are not needed in the transaction of current business and that do not have administrative, legal, or fiscal value.

SECTION 17. AMENDMENT.) Section 54-46-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-08. DETERMINATION NECESSARY FOR FINAL DISPOSITION OF RECORDS.) Prior to the final disposition of any type or class of record, the administrator, after consultation with the official or department head concerned, the attorney general, and the state archivist, shall determine that the type or class of record has no further administrative, legal, or fiscal value and is subject to final disposition under section 54-46-08.1 or section 54-46-09. The administrator shall annually survey the state agencies and shall order final disposition under section 54-46-08.1 or section 54-46-09 of any records which have been determined to have no further administrative, legal, or fiscal value pursuant to this section.

SECTION 18. AMENDMENT.) Section 54-46-08.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-08.1. PRESERVATION OF RECORDS FOUND TO BE ARCHIVAL RESOURCES.) The official or department head concerned and the state archivist shall review any records determined to be subject to final disposition under section 54-46-08. Any records found to be of permanent value for research, reference, or other use appropriate to document the organization, function, policies, and transactions of government shall be transferred to the state archivist for preservation as archival resources.

SECTION 19. AMENDMENT.) Section 54-46-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-09. DESTRUCTION OF NONRECORD MATERIALS AND NONARCHIVAL RESOURCES.) Nonrecord materials or materials not included within the definition of records as contained in this chapter may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials without the prior approval of the administrator. The administrator may formulate procedures and interpretation to guide in the disposition of nonrecord materials.

Records determined to be subject to final disposition under section 54-46-08 and not found to be of value as archival resources under section 54-46-08.1 shall be destroyed by any suitable means as determined by the administrator.

SECTION 20. AMENDMENT.) Section 54-46-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-12. COUNTY RECORDS - UNIFORM SYSTEM ESTABLISHED BY ADMINISTRATOR.) The administrator shall promulgate rules and regulations in accordance with chapter 28-32 consistent with specific requirements of state law for a uniform system of cataloguing, reproduction, retention, and final disposition of county records. Upon promulgation of such rules and regulations all county offices, departments, and agencies shall be authorized to establish and maintain such uniform system as prescribed by the administrator.

SECTION 21. AMENDMENT.) Section 54-46-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-46-13. RULES FOR FINAL DISPOSITION OF CERTAIN STATE AND COUNTY SOCIAL SERVICE RECORDS - ADMINISTRATOR TO PROMULGATE.) The administrator shall promulgate rules and regulations in accordance with chapter 28-32 for the destruction or other final disposition of state and county social service case files pertaining to work relief and public assistance programs after such files have been closed for a minimum period of six years and shall also promulgate rules and regulations for the destruction or other final disposition of other state and county social service records which are obsolete or have been duplicated. The administrator, prior to promulgation, amendment, or repeal of rules and regulations for the destruction of state and county social service files and records, shall consult with the executive director of the social service board in regard to the destruction of such files and records.

SECTION 22. AMENDMENT.) Section 58-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-07-05. DESTRUCTION OF TOWNSHIP RECORDS.) After the same have first been offered to the state archivist for preservation as archival resources, the township clerk shall destroy by any suitable means as determined by the board of township supervisors any of the following books, forms, or blanks after the same have become ten years old:

1. Election pollbooks.
2. Election registration books.



3. Petitions of candidates.
4. All election forms, blanks, books, and records of every kind and description except abstracts of votes.
5. Assessment slips.
6. Township board of equalization records.
7. Claims vouchers which have been audited and paid.
8. Certificates of officials' bonds.
9. Insurance policies which have become obsolete.

Approved March 12, 1977

## CHAPTER 503

HOUSE BILL NO. 1235  
(Committee on Natural Resources)  
(At the request of the Natural Resources Council)

## PARKS AND RECREATION DEPARTMENT

AN ACT to create and enact three new sections to chapter 55-08, relating to the functions of the recreation division of the North Dakota parks and recreation department and the outdoor recreation interagency council; to amend and reenact section 55-08-01 of the North Dakota Century Code, relating to the combination of the North Dakota park service and the state outdoor recreation agency into the North Dakota parks and recreation department; and to repeal chapter 53-07 of the North Dakota Century Code, relating to the state outdoor recreation agency.

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

SECTION 1. AMENDMENT.) Section 55-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-01. NORTH DAKOTA PARKS AND RECREATION DEPARTMENT.) There shall be a North Dakota parks and recreation department which will serve as the focal point within the state for the many activities related to parks and outdoor recreation. One of its principal functions shall be that of a planning and coordinating agency for related programs on all governmental levels, encouraging the full development of existing and future parks and outdoor recreation areas, functions, and facilities. The department shall be under the supervision and control of the director of state parks and recreation, hereinafter referred to as the director, who shall be appointed by the governor and shall serve at the will of the governor. The director shall be chosen with regard to his knowledge, training, experience, and ability in administration of parks and recreation work.

The director shall give a bond to the state in the sum of ten thousand dollars. The director may employ personnel as may be necessary for the work of his service. The director may designate one of his employees as a deputy to serve at his pleasure who may exercise all the powers of the director, subject to his direction and control. The deputy shall give a bond to the state in the sum of five thousand dollars. In case of a vacancy in the office of the director, his deputy shall have all of the powers

and perform all of the duties thereof until a successor, either as an acting or regular incumbent, has been appointed. While serving in such vacated office, the deputy shall receive the same salary as the regular incumbent.

The salary of the director and any deputy of the department head hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor in an amount comparable to the salary of a department head, commissioner, or a deputy of a department head having similar duties and responsibilities.

Except as otherwise prescribed or required by law, the originals of all official records, orders, and other documents made, executed, or issued by or under the authority of the director shall be filed and kept in the respective offices where the same were made, executed, or issued, or in such office in the department as the director or deputy may direct.

SECTION 2.) A new section to chapter 55-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

RECREATION DIVISION - FUNCTION.) The director, without limiting the generality thereof, shall be vested with the power, authority, duty, and general jurisdiction to:

1. Apply for and receive federal grants-in-aid for recreation purposes. He shall approve their allocation to political subdivisions of the state only after he has determined that sufficient funds, including those funds necessary for adequate maintenance, are and will be available from the political subdivisions for meeting the state's share of project costs. If for any reason it shall become necessary for any department or agency of the state to expend state funds in order to fulfill any obligation of a political subdivision which it has agreed to perform in the construction or maintenance of such projects, the state shall have a claim against the subdivision for such money expended. All funds allocated to the state for recreation purposes shall be distributed to the departments, agencies, or political subdivisions entitled thereto.
2. Keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States and the state of North Dakota such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs.
3. Undertake the development of broad recreation policies for the state as a whole and a long range plan for

their implementation.

4. Initiate a continuing appraisal of the total state recreation resources, potentials, and needs and the adequacy of current efforts to meet the demands.
5. Provide for the coordination and appraisal of related programs administered by all levels of government and by private enterprise.

SECTION 3.) A new section to chapter 55-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

OUTDOOR RECREATION INTERAGENCY COUNCIL - COMPOSITION - FUNCTIONS.) A state outdoor recreation interagency council shall exist and shall be composed of the state engineer of the water commission, commissioner of the state game and fish department, superintendent of the state historical society, commissioner of the state highway department, executive secretary of the North Dakota state soil conservation committee, state parks and recreation director, chairman of the state water commission, state health officer, director of the economic development commission, state forester, director of the North Dakota travel division, and the commissioner of the state land department. The governor or his designee shall be council chairman.

The members of the council shall be vested with the power, authority, and duty to:

1. Deal with the distribution of state general fund appropriations which are to be matched with federal outdoor recreation grants-in-aid at the state level. Each member shall have one vote in such matters.
2. Meet periodically at the call of the chairman and shall keep minutes and other financial records dealing with such meetings.
3. Cooperate with the United States or any appropriate agency thereof, particularly in connection with the distribution and use of federal aid funds which the state may become eligible to receive.
4. Encourage cooperation among public, voluntary, and commercial agencies and organizations.
5. Subject to the approval of the governor, may adopt and promulgate and may amend, modify, or revise such rules and regulations for the conduct of its affairs as may be deemed necessary, including the time, place, and notice of regular meetings, call and notice of special meetings, and number of members required for a quorum to transact business.

SECTION 4.) A new section to chapter 55-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

EXPENDITURES THROUGH EXISTING DEPARTMENTS OR AGENCIES.)

All state funds, grants-in-aid from federal allocations, and other moneys or funds contributed or matched, for developing or providing public outdoor recreation facilities and opportunities made available to existing departments or agencies, shall be expended through such departments or agencies using their established procedures. Direct or force construction activities shall be undertaken and conducted only by those departments or agencies having basic authorization for such work.

SECTION 5.) The legislative council is hereby empowered to change the title of state park director wherever it appears in the North Dakota Century Code to the director of parks and recreation.

SECTION 6. REPEAL.) Chapter 53-07 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1977

## CHAPTER 504

HOUSE BILL NO. 1291  
(Reed)

## WAIVER OF STATE PARK SERVICE FEES

AN ACT to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to charges for services within state parks.

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

SECTION 1. AMENDMENT.) Section 55-08-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-05. CHARGES FOR SERVICES.) The director is hereby authorized to provide special services within state parks, state campgrounds, state recreation areas and reserves, and to make rules and regulations for the use of such services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all such special services, and shall revise the same, when necessary, in such manner that the revenue derived therefrom will be sufficient to pay the cost of providing each such service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for any such services, and to maintain a reserve for the security of said bonds as herein provided. The director may, however, waive the collection of charges, fees, and rentals for the use of all such special services by health care-related charitable organizations conducting group camp activities without charge to participants. Specifically, but without limitation of said general authorization, the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any 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 such space according to the daily rate which shall 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 which may be 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 for the sale to the public of food, nonintoxicating beverages, 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 lease of any such buildings, structures, and facilities to a concessionaire to be operated on such terms and compensation basis as the director shall determine to be in the best interest of the state. A bond shall be required of each concessionaire in such amount as the director shall determine, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Charge and collect motor vehicle permit fees in such amounts as are or shall be prescribed by the legislative assembly, not less than the amounts now prescribed in section 55-08-06, which fees are and shall be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.

Approved April 6, 1977

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## CHAPTER 505

SENATE BILL NO. 2356  
(Lashkowitz)

### PENALTY FOR DEFACING HISTORICAL MARKER

AN ACT to create and enact a new section to chapter 55-10 of the North Dakota Century Code, relating to defacement of historical markers, and providing a penalty.

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

SECTION 1.) A new section to chapter 55-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

DEFACING HISTORICAL MARKER - PENALTY.) A person is guilty of an infraction if he destroys, removes, alters, defaces, or damages any state historical marker, as defined by subsection 2 of section 55-10-02.

Approved April 1, 1977