

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 663

SENATE BILL NO. 2123
(Committee on State and Federal Government)
(At the request of the State Historical Society)

HISTORICAL SOCIETY MEMBERSHIP

AN ACT to create and enact subsection 12 of section 55-01-02 of the North Dakota Century Code, relating to the powers and duties of the state historical board.

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

SECTION 1. Subsection 12 to section 55-01-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

12. Establish standards by the adoption of rules to create such classes of membership in the state historical society of North Dakota as it deems desirable, to determine the qualifications of any class of membership, to set forth the fees for such membership, and to provide for membership benefits.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 664

HOUSE BILL NO. 1552
(Hill, O'Shea)

STATE PARK LIQUOR SALES

AN ACT to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to the sale of beer and wine by concessionaires operating within state parks and state recreation areas.

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

SECTION 1. AMENDMENT. Section 55-08-05 of 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, except beer and wine sales as provided in subsection 6, 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. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, provided the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
7. 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 March 27, 1987

Filed March 30, 1987

CHAPTER 665

HOUSE BILL NO. 1206
(Committee on Natural Resources)
(At the request of the Parks and Recreation Department)

STATE PARK PERMITS

AN ACT to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to annual state park permits for motor vehicles.

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

SECTION 1. AMENDMENT. Section 55-08-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-06. Permits for motor vehicles. No motor vehicle shall enter or be permitted to enter any state park, state recreational area, or reserve unless the operator of such motor vehicle shall display upon request a permit issued as provided in this chapter; provided, however, that this shall not apply to any motor vehicles entering any state park for the purpose of parking thereon during the performance of any historic drama. Permits shall be of a size, form, and character as the director shall prescribe, and the director shall procure permits for each calendar year which by appropriate language shall grant permission to use any state park, state recreational area, or reserve. Permits for each calendar year shall be provided and placed on sale ~~before October first next preceeding, and used on or at any time after said date until the end of the calendar year for which issued on or before November first next preceeding, and used on or at any time after that date until May first of the year following the calendar year for which issued.~~ Such permits in each category shall be numbered consecutively for each year of issue. A maximum fee of fifteen dollars may be charged for each permit issued, except that permits of appropriate special design may be sold individually at a maximum of two dollars per permit covering the use of state parks, state recreational areas, or reserves under such conditions as the director may prescribe for a designated period of not more than three days. The fees collected shall be deposited in the state park operating fund in the state treasury.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 666

HOUSE BILL NO. 1194
(Committee on Natural Resources)
(At the request of the Parks and Recreation Department)

**STATE PARKS AND RECREATION DEPARTMENT
CONCESSION FUND**

AN ACT to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to use of the state parks and recreation department concession fund.

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

SECTION 1. AMENDMENT. Section 55-08-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-07.1. State parks and recreation department concession fund - Appropriation. The director shall establish a state parks concession fund to be used for the following:

1. Procurement and maintenance of an inventory of food, nonintoxicating beverages, and other merchandise and supplies of a suitable nature for the operation of concession stands at the state parks, including payment of costs and travel expenses necessarily incurred to obtain or sell such items.
2. Repair, replacement, construction, and maintenance of concession stands buildings, facilities, and properties contained therein.

There is hereby transferred out of any moneys in the general fund in the state treasury, ~~not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary, to the state parks concession fund to provide the initial working capital, and such sum~~ The sum of fifty thousand dollars is hereby appropriated from the state parks concession fund for the purpose provided in this section as a standing and continuing appropriation. Any surplus in this fund in excess of ~~thirty~~ fifty thousand dollars on June thirtieth of each year shall be transferred to the state park operating fund.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 667

SENATE BILL NO. 2387
(Senators D. Meyer, Nething)
(Representative Haugen)

HISTORIC SITE DESIGNATION OBJECTIONS

AN ACT to create and enact a new subsection to section 55-10-08 of the North Dakota Century Code, relating to objections by political subdivisions to state historic site designations by the state historical board.

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

SECTION 1. A new subsection to section 55-10-08 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

In the event a city, county, school district, or other political subdivision objects to any decision of the state historical board to disallow alteration or demolition of a site listed on the state historical sites registry, such political subdivision may submit the objection to arbitration as provided in this subsection. Arbitration may also be demanded by either the board or such political subdivision if the board or the political subdivision determines that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration. The party desiring arbitration shall make a written demand thereof of the other and in such demand shall name three arbitrators. The demand shall also set forth the objections which the party desires to submit to arbitration, with reference to the particular state historic site. Such demand shall be served upon the other party, which, within ten days, shall name in writing three arbitrators, and in connection therewith shall set forth in writing its response to the objections set forth in the demand served upon it and any additional objections which it desires to submit to arbitration on its part. The six arbitrators so selected shall name a seventh arbitrator. If the party proceeded against shall fail or refuse to name three arbitrators, the moving party may apply ex parte to the judge of the district court of the county in which the state historical

site in question, or any part thereof, may be located, for the appointment of the unnamed arbitrators, and if upon the appointment of three arbitrators by each of the parties, the six so appointed have been unable to agree upon a seventh arbitrator within five days, then either party, upon five days' notice may apply to such district court for the appointment of such seventh arbitrator. The political subdivision may select its arbitrators from among the governing board of the affected political subdivision, from any regular or special committee appointed by the governing board, whether serving on such governing board or not, or from any combination thereof. The state historical board may select its arbitrators from among the board itself, from an executive committee of the board, or from any combination thereof. When a panel of arbitrators has been appointed, a submission in writing shall be executed as provided in section 32-29-02, except that such submission must provide for the entry of judgment upon the award by the district court of the county within which the state historical site or some part thereof is located. The submission must also provide that each party shall bear its own arbitration costs and expenses, however the costs and expenses relating to the seventh arbitrator shall be borne equally by both parties to the dispute. The seven arbitrators shall proceed to resolve the controversies brought before them, and the decision of the arbitrators, or a majority of them, shall be given in writing to the board or the officials concerned and shall be binding upon both parties. Thereafter, the arbitration shall proceed in accordance with the provisions of chapter 32-29.

Approved April 24, 1987
Filed April 27, 1987

CHAPTER 668

HOUSE BILL NO. 1163
(Committee on Natural Resources)
(At the request of the Parks and Recreation Department)

NATURE PRESERVE AND NATURAL AREA RULES

AN ACT to create and enact a new subsection to section 55-11-09 of the North Dakota Century Code, relating to the adoption of rules for protection, care, and use of state nature preserves and state natural areas; and to provide a penalty.

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

SECTION 1. A new subsection to section 55-11-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

To adopt and enforce suitable rules relating to the protection, care, and use of any state nature preserve or state-owned or state-managed natural area. The violation of any such rule shall constitute an infraction.

Approved March 19, 1987
Filed March 20, 1987