

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 537

SENATE BILL NO. 2157

(Government and Veterans Affairs Committee)
(At the request of the State Historical Society)

STATE HISTORICAL BOARD COMPOSITION

AN ACT to amend and reenact section 55-01-01 of the North Dakota Century Code, relating to the composition of the state historical board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

55-01-01. State historical board. There is a state historical society of North Dakota which is under the supervision and control of the state historical board. The board consists of ~~nine~~ seven members who are appointed by the governor. Each member appointed to the board must be a citizen and resident of the state of North Dakota. Appointments are for a term of three years from the first day of July to the thirtieth day of June of the third year or until a successor has been appointed and qualified ~~except that the first appointments under this section are staggered so that the term of three members expires each year.~~ The governor shall appoint two members for terms commencing in 1996, two members for terms commencing in 1997, and three members for terms commencing in 1998. Vacancies occurring other than by the expiration of an appointive term must be filled by appointment for the remainder of the term only in the same manner as regular appointments. The board of directors shall select from its membership a president, vice president, and secretary to serve as officers of the board. The secretary of state, ~~state engineer~~ director of the parks and recreation department, director of the department of transportation, ~~state forester, director of the game and fish department, state librarian~~ director of the tourism department, and state treasurer are ex officio members of the board and shall take care that the interests of the state are protected. Each ex officio member may appoint a designee to attend meetings with full voting privileges.

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 538

SENATE BILL NO. 2207

(Finance and Taxation Committee)

(At the request of the State Historical Society)

STATE HISTORICAL SOCIETY FEES FOR LEASED EXHIBITS

AN ACT to amend and reenact subsection 7 of section 55-02-01.2 of the North Dakota Century Code, relating to admission fees charged by the superintendent of the state historical society for certain exhibits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 55-02-01.2 of the North Dakota Century Code is amended and reenacted as follows:

- 7. Keep the museum exhibition rooms in the North Dakota heritage center open to visitors at all reasonable hours on business days without fee, except that admission fees may be charged for leased exhibitions. Admission fees collected for a leased exhibition must be deposited in a special account in the special revolving fund established under section 55-02-04, and may be used only to pay the associated costs of the exhibition. Any admission fees collected in excess of the costs of a leased exhibition must be deposited in the state general fund.

Approved April 11, 1995
Filed April 12, 1995

CHAPTER 539**SENATE BILL NO. 2156**

(Government and Veterans Affairs Committee)
(At the request of the State Historical Society)

**CAMP HANCOCK ELIMINATED AS HISTORICAL
MUSEUM**

AN ACT to amend and reenact section 55-02-06 of the North Dakota Century Code, relating to the location of state historical museums.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-02-06 of the North Dakota Century Code is amended and reenacted as follows:

55-02-06. State historical museum at Pembina - Chateau de Mores - ~~Camp Hancock~~. The superintendent of the state historical board shall maintain and operate the state historical museum located at or near the city of Pembina, in the county of Pembina, and shall have custody of and preserve in the museum at Pembina, for the people of the state of North Dakota, objects of primitive Indian art and other articles of historical value to the state which are acquired for such purpose. The state historical board may accept gifts, donations, or contributions to be used or expended in the maintenance and operation of the historical museum and may transfer the operation of the museum to the city of Pembina upon such terms and conditions as the state historical board may require. The Chateau de Mores at Medora ~~and Camp Hancock at Bismarck~~ must be maintained and operated as a historic house museum under the direction of the state historical board.

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 540

SENATE BILL NO. 2205

(Government and Veterans Affairs Committee)
(At the request of the State Historical Society)

CULTURAL RESOURCE INVESTIGATION PERMITS

AN ACT to amend and reenact section 55-03-01 of the North Dakota Century Code, relating to cultural resource investigation permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-03-01 of the North Dakota Century Code is amended and reenacted as follows:

55-03-01. Permit required to investigate, evaluate, or mitigate adverse effect on cultural resources, historic buildings, structures, or objects - Application - Fee. Any individual, organization, institution, or company engaged on one's own behalf or on behalf of another in identifying, evaluating, or mitigating adverse effects on cultural resources, historic buildings, structures, or objects on any lands in North Dakota, under section 106 of the National Historic Preservation Act of 1966 [Pub. L. 89-665; 80 Stat. 915; 16 U.S.C. 470, as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, and Pub. L. 94-458], 36 CFR 800, or subdivision u of subsection 1 of section 38-14.1-14 ~~first shall~~ must obtain an annual permit from the superintendent of the state historical board of North Dakota. ~~Such~~ The permit ~~may be issued when an~~ application must be in ~~such the~~ form ~~and including such information as~~ prescribed by the superintendent ~~has been filed with such officer.~~ Each ~~such~~ application must be accompanied by a filing fee of ~~twenty five~~ fifty one hundred dollars. The superintendent may waive the fee requirement if the applicant is an instrumentality of the state of North Dakota. Following issuance of the annual permit, the permittee shall submit to the state historical society of North Dakota payment in the amount of ~~twenty five~~ fifty dollars with every cultural resources identification, evaluation, and mitigation report submitted to the superintendent in compliance with the federal and state statutory and regulatory requirements identified in this section. A permittee submitting a report on behalf of a nonprofit corporation formed under chapters 10-24 through 10-28 does not have to pay the fee for filing the report.

Approved March 7, 1995
Filed March 7, 1995

CHAPTER 541**HOUSE BILL NO. 1080**

(Representative Olson)

(At the request of the Parks and Recreation Department)

PARKS AND RECREATION DEPARTMENT TECHNICAL ASSISTANCE CHARGES

AN ACT to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to charges for special technical assistance services by the parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁴ **SECTION 1. AMENDMENT.** Section 55-08-05 of the North Dakota Century Code is amended and reenacted 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; provide special technical assistance services; 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 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. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. 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 must 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.

²⁶⁴ Section 55-08-05 was also amended by section 1 of Senate Bill No. 2220, chapter 542.

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 determines to be in the best interest of the state. A bond must be required of each concessionaire in such amount as the director determines, 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 may be prescribed by the legislative assembly, not less than the amounts now prescribed in section 55-08-06, which fees are and must 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.
8. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory data base.

Approved March 14, 1995
Filed March 14, 1995

CHAPTER 542

SENATE BILL NO. 2220

(Government and Veterans Affairs Committee)
 (At the request of the Office of Management and Budget)

STATE PARK ENTRANCE FEES

AN ACT to amend and reenact subsection 7 of section 55-08-05, sections 55-08-06, and 55-08-06.2 of the North Dakota Century Code, relating to motor vehicle and senior citizen passport park entrance fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁵ SECTION 1. AMENDMENT. Subsection 7 of section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

7. Charge and collect motor vehicle permit fees in ~~such the amounts as are or may be~~ prescribed by the legislative assembly; ~~not less than the amounts now prescribed in section 55-08-06~~, which fees are and must 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.

SECTION 2. AMENDMENT. Section 55-08-06 of the North Dakota Century Code is amended and reenacted as follows:

55-08-06. Permits for motor vehicles. Unless authorized by the director, no motor vehicle may 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. Permits must 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 must grant permission to use any state park, state recreational area, or reserve. Permits for each calendar year must be provided and placed on sale on or before November first next preceding, 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 must be numbered consecutively for each year of issue. ~~A maximum~~ Except as provided in section 55-08-06.2, a fee of fifteen twenty dollars may must be charged for each permit issued, except that permits of appropriate special design may be sold individually at a maximum of three 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 must be deposited in the state park operating fund in the state treasury, unless authorized by the director as follows:

²⁶⁵ Section 55-08-05 was also amended by section 1 of House Bill No. 1080, chapter 541.

1. The director may allow other agencies or organizations that have leased state parks, state recreation areas, reserves, or facilities to retain entrance and special permit fees collected by the lessee.
2. The director may exempt all or any part of any state park, state recreational area, or reserve from the requirement of the motor vehicle permit and fee, for any activity or period, when in the director's judgment it is desirable to do so; provided, however, that no further exceptions can be made after state park revenue bonds are issued and while such bonds are outstanding.

SECTION 3. AMENDMENT. Section 55-08-06.2 of the North Dakota Century Code is amended and reenacted as follows:

55-08-06.2. North Dakota senior citizens passport. The director shall establish procedures providing for the issuance of an annual entrance permit to be known as the "North Dakota senior citizens passport". The permit must be issued to any resident of North Dakota who is sixty-five years of age or older and who applies for a permit. The permit is nontransferable, entitles the bearer and any person accompanying the bearer in a single, private, noncommercial vehicle to entry into any state park, state recreation area, or reserve, and must may be issued for fifty percent of the regular permit fee. The provisions of this section that provide a reduction of fees are effective notwithstanding any provisions to the contrary contained in this chapter at a discounted rate authorized by the director.

Approved March 24, 1995

Filed March 27, 1995

CHAPTER 543**SENATE BILL NO. 2208**

(Government and Veterans Affairs Committee)
(At the request of the State Historical Society)

UNCLAIMED PROPERTY HELD BY MUSEUMS

AN ACT to create and enact a new chapter to title 55 of the North Dakota Century Code, relating to unclaimed property held by museums or historical societies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 55 of the North Dakota Century Code is created and enacted as follows:

When property held by museum or historical society deemed abandoned. Any property held by a museum or historical society in this state that is held for ten years or more and to which no person has made claim is deemed to be abandoned and becomes the property of the museum or society, provided the museum or society has complied with the publication and notice requirements of this chapter.

Publication of notice of abandoned property. The museum or society shall publish a notice as a display advertisement entitled "notice of abandoned property held by a museum or historical society" at least once each week for two successive weeks in a legal newspaper of general circulation in the county in this state where the last known address of any owner of property named in the notice is located. If no address is listed or if the address is outside this state, the notice must be published in the county in which the holder of the abandoned property has that person's principal place of business within this state.

Notice requirements for abandoned property. The published notice for abandoned property held by a museum or historical society must contain:

1. The name and last known address, if any, of the last known owner of property;
2. A description of the property; and
3. A statement that if proof of claim is not presented by the owner to the museum or society and if the owner's right to receive the property is not established to the museum's or society's satisfaction within sixty-five days from the date of the second published notice, the property is deemed abandoned and becomes the property of the museum or society.

Title to abandoned property vested in museum or historical society. If no claim has been made to the property within sixty-five days from the date of the second published notice, title to the property vests in the museum or society, free of all claims of the owner and of all persons claiming through or under the owner.

Approved March 7, 1995
Filed March 7, 1995