

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 379

H. B. No. 541

(Solberg, Mueller, Winge, Breum, Bowman, Glaspey)
(From LRC Study)

HISTORICAL BOARD AND PARKS SERVICE

AN ACT

To create and enact sections 55-01-10, 55-02-07, 55-08-01, 55-08-02, 55-08-03, 55-08-04, 55-08-05, 55-08-06, 55-08-07, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, and 55-08-14, and to amend and reenact sections 55-01-01, 55-01-02, 55-01-03, 55-01-04, 55-01-05, 55-01-06, 55-01-07, 55-02-01, 55-02-01.1, 55-02-01.2, 55-02-02, 55-02-03, 55-02-04, 55-02-05, 55-02-06, 55-03-01, 55-03-02, 55-03-03, 55-03-04, 55-03-05, 55-03-06, 55-03-07 and subsection 7 of section 55-05-02, and to repeal sections 55-07-01, 55-07-02, 55-07-03, 55-07-04 of the 1963 Supplement to the North Dakota Century Code, to provide for a state historical board and a superintendent for the state historical board; to provide for the protection of prehistoric and historic artifacts and sites found, located, or in the possession of another department of the state, county, or local government; to provide for the protection and licensing of paleontological sites, deposits, and materials; to establish a North Dakota park service, to provide for a director of state parks, powers and duties, operation, administration and maintenance of the state parks and the issuance and payment of revenue bonds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 55-01-01 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-01. State Historical Board.) There shall be a State Historical Society of North Dakota. The governor, by and with the consent of the senate, shall appoint nine members of the state historical society of North Dakota to serve as a board of directors to be known as the State Historical Board. Appointments shall be made from members of the state historical society who are residents of North Dakota who have had continuous membership in the society for three years immediately previous to the appointment. The governor will make his appointments from a list submitted by the membership group. Interim appointment may be made by the governor if the senate is not in session and such interim appointees may hold of-

fice until the senate has had an opportunity to confirm or reject such appointments. Appointments shall be 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. Vacancies occurring other than by the expiration of an appointive term shall 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, state highway commissioner, commissioner of agriculture and labor, state forester, state game and fish commissioner, director of state library commission, and state treasurer shall be ex officio members of the board and shall take care that the interests of the state are protected.

§ 2. **Amendment.)** Section 55-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-02. State Historical Board — Powers — Limitations.)
The state historical board shall be authorized to:

1. Faithfully expend and apply all money received from the state, to the uses and purposes directed by law;
2. Hold all its present and future historical collections and property for the state;
3. Sell or exchange any duplicates of any article that the board may have or obtain;
4. Permit withdrawal from its collections and property of such articles as may be needed for exhibition purposes;
5. Permit the withdrawal of books and collections from the library and museum temporarily under such rules as the board may prescribe;
6. Select and appoint a superintendent to carry out the policies and directives of the board;
7. Acquire in behalf of the state of North Dakota, by lease, purchase, gift, or by the exercise of eminent domain, state monuments;
8. Set aside for monuments, such lands as are now owned by the state and not held or acquired for some other purpose;
9. Supervise, control, care for, maintain, and develop any such state monuments as trustees for the state; and

10. Administer any such state monuments as an agent of the national park service, bureau of reclamation, corps of engineers, or any other division of federal, state, or local government.

The secretary of the board shall have power to withdraw for temporary use such of the collections as shall be needed for the compilation and editing of the publications of the board. The board, however, shall not sell, mortgage, transfer, or dispose of any of its collections or property except as authorized by law, nor shall it, without authority of law, remove from the historical rooms in the capitol any article contained therein.

§ 3. Amendment.) Section 55-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-03. Meetings—When Held—Quorum—Compensation and Expenses of Members.) The state historical board shall meet at the call of the president not less than every three months and seven members shall constitute a quorum. The ex officio members shall receive no additional compensation for service upon the board but shall be paid their expenses when engaged in the discharge of their official duties as members of the commission, in the same manner and amounts as other state officers are paid, from funds available to the board.

§ 4. Amendment.) Section 55-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-04. Acceptance of Gifts, Grants, Devises, Bequests, Donations, and Assignments—Deposited with the State Treasurer—How Expended.) Whenever any grant, devise, bequest, donation, gift, or assignment of money, bonds, or choses in action, or of any property, real or personal, is made to the state historical board or either division under it, such board shall receive and accept the same, and the right and title thereto, in the name of the state. All moneys coming into the hands of the board as donations, gifts, grants, and bequests, unless by the terms of the donation, gift, grant, or bequest such moneys are required to be maintained in another manner, shall be maintained within the state treasury. All rent, interest, or income from land, money, or property received by the board by donation, gift, grant, or bequest, shall also be maintained within the state treasury unless by the terms of their acquisition such moneys are required to be maintained in a different manner. Such moneys shall be paid out for the purposes prescribed by the donor upon the approval of the state historical board by warrant-check prepared by the department of accounts and purchases.

§ 5. **Amendment.)** Section 55-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-05. Land Acquired for Historical Purposes—Title—Placed in Custody of Old Settlers' Associations and County Historical Societies.) When land shall be contributed or purchased as herein provided for historical purposes, the title shall vest in the state of North Dakota. Such land may be placed in the custody of the old settlers' associations of the respective counties in which such sites are located, and may be improved and used by them for the accumulation and care of relics of historical interest. Where it appears that the use and purpose of such land is a matter of primarily local or regional interest, the state historical board may, upon such terms, conditions, and consideration as the board may require, transfer and convey the land to a political subdivision or nonprofit corporation where such interest lay.

§ 6. **Amendment.)** Section 55-01-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-06. Relics—Loan to Old Settlers' Association—Preservation.) When relics are contributed or purchased, they shall be placed in the custody of the state historical board, and those of a local historical nature may be loaned to the county old settlers' associations when proper provision has been made for their care and preservation.

§ 7. **Amendment.)** Section 55-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-01-07. Claims Incurred by Board—How Paid.) All bills or claims against the state, arising by reason of expenditures authorized by the state historical board for the purposes provided by law, shall be submitted on vouchers to the state auditing board for approval and paid by warrant-check prepared by the department of accounts and purchases.

§ 8.) Section 55-01-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

55-01-10. Exchange of Lands with Other Divisions of State Government.) The state historical board may transfer and convey certain lands held by the board to another agency of the state in exchange for lands held by such other agency, and such other agency may make the necessary conveyance to transfer and convey lands held by it to the state historical board to effect such exchange. Such transfers may be made at any time

the board and another agency deem such exchange to be mutually advantageous.

§ 9.) The title of chapter 55-02 is hereby amended to read as follows: STATE MONUMENTS.

§ 10. **Amendment.)** Section 55-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-01. State Historical Board—Appointment of Superintendent—Duties.) The board shall appoint a superintendent who shall act as chief administrative and executive officer in carrying out the policies and directives of the board and shall have charge of all employees and activities and shall perform such other duties as may be assigned to him by the board.

§ 11. **Amendment.)** Section 55-02-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-01.1. Term of Office—Vacancy—Salary and Expenses—Bond.) The superintendent shall serve at the pleasure of the state historical board and until his successor is appointed and qualified. In case of vacancy by death, removal, resignation, or any other cause, the board shall fill the vacancy by appointment. The salary shall be determined by the board within the limits of legislative appropriation and the superintendent shall be entitled to compensation for his expenses incurred while in the discharge of his official duties, paid in the same manner and amounts as other state officials are paid, from funds available to the board. Before entering upon their duties, each shall furnish a bond in the penal sum of ten thousand dollars.

§ 12. **Amendment.)** Section 55-02-01.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-01.2. Duties of the Superintendent.) The superintendent shall:

1. Collect books, maps, charts, and other papers and materials illustrative of the history of this state in particular and of the west generally;
2. Obtain from the early pioneers narratives of their exploits, perils, and adventures;
3. Procure facts and statements relative to the history, progress, and decay of our Indian tribes so as to exhibit faithfully the antiquities and the past and present resources and conditions of this state;

4. Purchase books to supply deficiencies in the various departments of its collection, and especially reports on the legislation of other states, on railroads, and geological surveys and on educational and humane institutions for legislative reference, and such other books, maps, charts, and materials as will facilitate the investigation of historic, scientific, and literary subjects. The secretary of state shall furnish to the superintendent for reference and exchange purposes, as many copies as requested by the superintendent of every state publication;
5. Catalogue all of the collections of the board for the more convenient references of all persons who have occasion to consult the same. The state shall bind the unbound books, documents, manuscripts, and pamphlets, and especially newspaper files containing legal notices, in the possession of the board;
6. Prepare annually for publication four quarterly reports of its collections and such other matters relating to the transactions of the board as may be useful to the public. Such report shall be in such form and in such binding as the state historical board shall determine, and shall be printed by the state. The board shall have charge of the distribution and sale of such reports and shall account for the proceeds received therefrom to the state auditing board; and
7. Keep its rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

§ 13. **Amendment.)** Section 55-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-02. Transfer of Property from State Historical Society Board to North Dakota Park Service.) Upon the effective date of this Act the superintendent and the director of the North Dakota park service shall meet for the purpose of determining which land or other property presently held by the state of North Dakota for the use and benefit of the state historical society should be transferred to the North Dakota park service. All land presently held by the state of North Dakota for the use and benefit of the state historical society shall remain for the use and benefit of the board if such land is for predominantly historical purposes. All other land presently held by the state of North Dakota for the use and benefit of the state historical society and which is not of predominantly his-

torical value, shall be transferred to the North Dakota park service. If for any reason the superintendent of the state historical board and the North Dakota park service director cannot agree upon which lands are held predominantly for historical purposes and which lands are primarily for park purposes, the governor shall make the determination.

§ 14. Amendment.) Section 55-02-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-03. Rules and Regulations to Protect State Monuments.) The superintendent of the state historical board, when so authorized by the board, shall have the power to make and enforce suitable rules and regulations relating to the protection, care, and use of any state monument and the violation of any such regulation shall constitute a misdemeanor and shall be punishable by a fine of not exceeding one hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

§ 15. Amendment.) Section 55-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-04. Fees for Use of Facilities—Concession Agreements—Duration.) The superintendent of the state historical board when so authorized by the state historical board shall:

1. Fix and collect such fees as it may deem reasonable for the use of the facilities of any state monument; and
2. Enter into concession agreements or leases with private persons, firms, or corporations for the operation of any services, including without limitation motels, cabins or other lodging places, within the areas of any such state monument but no such concession agreement or lease shall run for more than twenty years.

All moneys collected as fees, compensation for concession agreements, or otherwise, shall be placed in the general fund for the purpose of reimbursing such fund for appropriations made to the state historical board, except that funds received in the normal course of business from concession operations actually carried on by the state as a proprietor shall be deposited in the state treasury in a special revolving fund, and all moneys in such fund are hereby appropriated on a continuing basis for expenditure in the course of carrying on the business activities of such concession operations. If at the end of any fiscal year the balance in the special fund shall exceed fifty thousand dollars, the state treasurer upon order of the director

of accounts and purchases, shall transfer such portion of the balance of the special fund as exceeds fifty thousand dollars to the general fund.

§ 16. **Amendment.)** Section 55-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-05. Contracting Supervision and Maintenance with Other Divisions of Federal and State Government—Compensation for Expenses Incurred.) The superintendent of the state historical board, when so authorized by the state historical board, shall, for the purpose of avoiding undue expense or inconvenience by contract with divisions of federal and state governments or political subdivisions, make suitable arrangements whereby one shall supervise and maintain the holdings and property of the other. The board, service, department or division providing such services shall be entitled to compensation for actual and necessary expenses incurred in such amounts, if any, as may be agreed upon.

§ 17. **Amendment.)** Section 55-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-02-06. State Historical Museum at Pembina.) 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 the 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 society 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 shall be maintained and operated as historic house museums under the direction of the state historical board.

§ 18.) Section 55-02-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

55-02-07. Protection of Prehistoric or Historic Artifacts or Sites.) Any historical, archaeological, or paleontological artifact or site that is found or located upon any land owned by the state of North Dakota or its political subdivisions or otherwise comes into its custody or possession shall be cared for, handled, protected, excavated, or stored under the direction of or in the

manner prescribed by the superintendent of the state historical society board.

§ 19. Amendment.) Section 55-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-01. Permit to Explore Prehistoric or Historic Sites and Deposits Required—Application—Fee.) Any person, before making any investigation, exploration, or excavation of any prehistoric or historic ruins, Indian mounds, graves or villages, or other sites for archaeological or paleontological material, on any lands in North Dakota, first shall obtain a permit or annual license from the superintendent of the state historical board of North Dakota. Such permit or license shall be issued when an application has been filed with such officer setting forth:

1. The location of the site where applicant proposes to explore or excavate for such archaeological or paleontological material; and
2. The qualifications and scientific fitness of the applicant to make such investigation, exploration, or excavation.

Each such application shall be accompanied by a filing fee of five dollars.

§ 20. Amendment.) Section 55-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-02. Contents of Permit to Explore Prehistoric or Historic Sites and Deposits.) Each permit or license issued pursuant to an application made as is provided by section 55-03-01 shall describe accurately the location and site of the ruins, mounds, graves or deposits where the exploration or excavation is to be conducted and shall authorize or permit explorations or excavations only at the described location. A supplementary permit or license shall be granted for any other location upon the payment of a fee of two dollars and fifty cents, but no permit shall be granted for investigation, exploration, or excavation on any land owned by the state until the superintendent shall be satisfied that the applicant has the scientific training and fitness to make such investigation, exploration, or excavation. Such permit shall not be granted until the applicant has agreed to deliver to the state historical society one-half of all articles, fossil remains, and archaeological, paleontological, or historical materials found and removed from such state land.

§ 21. **Amendment.)** Section 55-03-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-03. Period for Which Permit Granted—Renewal—Revocation.) Each permit or license issued as is provided by section 55-03-01 shall terminate on December thirty-first of the year in which it is issued but may be renewed within thirty days after the expiration thereof upon payment of two dollars. Any permit or license to explore or excavate on any land belonging to the state of North Dakota, or any county or municipality, may be revoked by the superintendent of the state historical board at any time, if it appears that explorations or excavations authorized by the permit or license are being conducted negligently or improperly, and without regard for the careful preservation and conservation of the archaeological, paleontological, or historical material contained in such location, site, or deposit.

§ 22. **Amendment.)** Section 55-03-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-04. Fees Deposited in Revolving Fund—Use.) All fees collected by the superintendent of the state historical board under the provisions of this chapter shall be deposited in the revolving fund of the state historical board and shall be used by the superintendent in making investigations of applicants for such permits or licenses and of the sites or locations sought to be explored by such applicants.

§ 23. **Amendment.)** Section 55-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-05. Landowner May Explore on His Own Land.) Nothing contained in this chapter shall be construed to limit or prohibit any person owning land in this state from exploring or excavating for archaeological or paleontological material on his own land or by written consent to any other person.

§ 24. **Amendment.)** Section 55-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-06. Upon Sale of Land by State or Municipality Archaeological or Paleontological Materials Retained.) Where land is sold, conveyed, transferred, or leased by the state of North Dakota, or by any department or agency thereof, or by any municipal subdivision thereof, the title to any and all archaeological or paleontological materials, whether such

materials are found upon the surface or below the surface of such land, shall be retained by the state or by the municipal subdivision thereof, as the case may be.

§ 25. Amendment.) Section 55-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-03-07. Violation of Provisions of Chapter—Penalty.) Any person violating any provision of this chapter is guilty of a misdemeanor and shall forfeit to the state all archaeological, paleontological, or historical articles and materials discovered by him, and shall be fined not more than one hundred dollars. In case of failure to pay such fines, he shall be imprisoned in the county jail for a period of not more than thirty days. Any such violation shall be held to be committed in the county where the exploration or excavation for archaeological, paleontological, or historical material was undertaken.

§ 26. Amendment.) Subsection 7 of section 55-05-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. That the state historical board of the state of North Dakota, as trustee for the state of North Dakota, shall have general supervision of the lands herein described and comprising that part of the International Peace Garden located within the state of North Dakota, and the United States of America, for the purpose of seeing that the terms of this chapter, and the trust imposed by this chapter, are complied with by the International Peace Garden, Inc., and for the purpose of cooperating with such corporation in the promulgation, promotion, and development of the International Peace Garden, in accordance with the original plans and purposes for the establishment of an International Peace Garden upon the International Boundary Line between the United States and Canada for the purpose of furthering international peace among the nations of the world;

§ 27.) Chapter 55-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

NORTH DAKOTA PARK SERVICE

55-08-01. North Dakota Park Service.) There shall be a North Dakota Park Service. The service shall be under the supervision and control of a director of state parks who shall be appointed by the governor and shall serve at the will of the governor. The director shall be chosen with regards to his

knowledge, training, experience and ability in administration of park 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 of state parks and any deputy of the service head hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor in 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 of state parks shall be filed and kept in the respective offices where the same were made, executed or issued, or in such other office in the service as the director or deputy may direct.

55-08-02. State Park Advisory Council.) There shall be a state park advisory council made up of five members appointed by the governor and they shall act as an advisory council to the North Dakota park service. The advisory council members shall meet at least four times a year and shall be entitled to travel compensation at state expense. The director of state parks shall furnish the necessary reports and information requested by the council.

55-08-03. Duties — Powers — Limitations.) The director of the state parks shall be the administrative and executive head of the service. Subject to the provisions hereof and other applicable laws, he shall have the following powers and duties:

1. The director and his authorized agents and employees shall have charge and control full powers of management over all state parks, state campgrounds, state recreation areas and reserves of the state, included, but not limited to, site selection and planning, setting of fees and charges, setting hours and seasons of operation, regu-

- lating the conduct of guests and visitors, employment and bonding of personnel, compensation of employees, acquisition, construction, reconstruction, betterment, improvement, operation and maintenance of facilities, and promotion of wide utilization of and the use, sale, leasing and disposition of facilities and of all records pertaining to the performance of his functions relating thereto.
2. The director shall have all the powers and duties prescribed for the state auditor with respect to the receipt, filing, keeping, and certification of reports, lists and records of descriptions of lands, reserving to the state auditor all other powers and duties prescribed for him by law.
 3. The director may accept in behalf of the state all gifts or grants or lands or personal property tendered to the state for any purpose pertaining to the activities of the North Dakota park service.
 4. The North Dakota park service shall have seals in the form and design prescribed by the director, bearing the words "North Dakota Park Service." The seals may be used to authenticate the official acts of the director or the deputy, respectively, but omission or absence of the seal shall not affect the validity or force of any such act.
 5. The director may provide for the issuance at state expense of such badges and uniforms as he may deem necessary and suitable for officers, supervisors, rangers or employees of the North Dakota park service.
 6. The director is hereby authorized to rent or lease to employees of the service such cabins, buildings, or living quarters as are now or may hereafter be constructed upon state-owned or leased property, under the control of the service, when this occupancy is found to be necessary or beneficial to the work of the service. These leases or rental agreements shall be upon a month to month basis and provide for surrender by the lessee upon demand at any time his services with the state may be terminated, without the necessity of any written notice. All receipts from rents shall be paid in to the state treasurer and credited to the state park fund.
 7. The director of state parks may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase, gift, or

condemnation any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this Act or other laws, may act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contribution required for any such projects out of moneys appropriated or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in planning, acquiring, constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper, not inconsistent with the laws of this state.

8. The director of state parks shall have the power to make and enforce suitable rules and regulations relating to the protection, care and use of any state park, state campground, state recreation area or reserve, and the violation of any such regulation shall constitute a misdemeanor and shall be punishable by a fine of not exceeding one hundred dollars or by imprisonment for more than thirty days or both such fine and imprisonment.

55-08-04. Employees as Peace Officers.) All supervisors, guards, custodians, rangers, keepers, and caretakers, of state parks, state campgrounds, state recreation areas or reserves shall have and possess the authority and powers of peace officers while in their employment, provided, however, that the police powers shall only be on the park grounds.

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, and to charge fees therefor as follows:

1. Provide special parking space for automobile 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 accomodation of visitors in any particular park and with similar facilities offered for tourists 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 camp sites and charge a reasonable fee.
5. Provide concessions or contract for the lease of any such facilities to a concessionaire to be operated on such terms and compensation basis as the director shall determine to be in the best interests of the state. A bond shall be required of all concessionaires in such amount as the director shall determine, conditioned upon the faithful performance of all duties under the contract and proper accounting for all funds.

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 over fifty acres in area unless it has affixed to its windshield in the lower right corner thereof a permit issued as provided in this section, 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. The director of state parks shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state recreational area or reserve over fifty acres in area. Permits for each calendar year shall be provided and placed on sale before October one next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of two dollars shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at fifty cents or in lots of twenty-five or more to any organization at twenty-five cents per permit covering the use of state parks, state recreational area or reserves under such conditions as the director may prescribe for a designated period of not more than two days. The fees collected shall be deposited in the state park fund in the state treasury.

55-08-07. State Park Fund.) All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, shall be placed in the state park fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund shall be maintained by the state treasurer as a special trust fund and shall be used and disbursed solely for the following purposes:

1. To provide for the payment and security of the principal and interest when due on any state park revenue bonds issued pursuant to section 55-08-08. For this purpose the treasurer shall transfer from this fund to the revenue bond fund described in section 55-08-09, whenever necessary, so much of the revenues then on hand as may be required, or all thereof, if necessary, to produce a balance in the revenue bond fund equal to the sum of the interest due and to become due within eighteen months plus the principal due and to become due within twenty-four months thereafter on all outstanding series of such bonds.
2. To finance the acquisition, construction, reconstruction, improvement, betterment or extension of park properties, for state parks, state campgrounds, state recreation areas and reserves including, but without limitation, the acquisition of land and water, the erection of buildings and structures, and the improvement of properties held in trust for or leased by the state of North Dakota, when and as authorized from time to time by the legislative assembly of the state of North Dakota. For this purpose the director shall budget and authorize the disbursement from time to time of bond proceeds and revenues received in the fund, provided that no such disbursement shall be made at any time when the balance in the revenue bond fund is less than specified in subsection 1 of this section 55-08-07.
3. For any park purpose for which funds have been appropriated by the legislative assembly to the North Dakota park service, in reimbursement of the funds expended pursuant to such appropriation, provided that no such reimbursement shall be made at any time when the balance in the revenue bond fund is less than specified in subsection 1 of this section 55-08-07.

55-08-08. State Park Revenue Bonds.) For the purpose of paying all or part of the cost of acquisition, construction, reconstruction, improvement, betterment or extension of park properties for state parks, state campgrounds, state recreation areas and reserves, as described in section 55-08-07, subsection

2, which may, from time to time, be authorized by the legislative assembly of the state of North Dakota, the money may be borrowed on the credit of the revenues to be received in the state park fund. Such borrowing shall be authorized by a board consisting of the governor, the treasurer and the director of state parks, by resolution or resolutions duly adopted by the vote of a majority of all members of such board. In anticipation of the collections of such revenues, negotiable bonds may be issued in such amount as, in the opinion of the board, may be necessary for such purpose, within the limits of the authority granted by the legislative assembly in each instance, and the board may provide for the payment of such bonds and the rights of the holders thereof as provided in this chapter. The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their date, may be in such denomination or denominations, may be in such form, either coupon or fully registered or registered as to ownership of principal, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, not exceeding six percent per annum, as may be provided by resolution or resolutions to be adopted by the board, subject to the further provisions of this section 55-08-08. Such bonds may be sold in such manner and at such price or prices, not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but the average annual interest rate thereon, computed to their stated maturities, shall not exceed six percent per annum. Such bonds shall have all of the qualities and incidents of negotiable paper, and such bonds and the income therefrom shall be exempt from any taxes, except inheritance, estate, and transfer taxes. The board may in its discretion authorize one series of bonds hereunder for more than one project, at more than one state park, state campground, state recreation area or reserve. It may also issue series of bonds hereunder for the refunding of outstanding bonds issued hereunder when such action is desirable in its judgment and is consistent with the terms of the resolution or resolutions authorizing the outstanding bonds.

55-08-09. Revenue Bond Fund.) From and after the issuance of any bonds under the provisions of section 55-08-08, the state treasurer shall transfer revenues at the times and in the amounts directed in section 55-08-07 to a special trust fund to be known as the "State Park Revenue Bond Fund", which shall be maintained in the state treasury until all bonds issued under section 55-08-08 and all interest thereon are fully paid and discharged. This fund shall be disbursed by the state

treasurer solely for the purpose of paying principal and interest when due on said bonds, and the treasurer shall also maintain therein, by the transfer of revenues from the state parks fund whenever necessary and available, a reserve at all times equal to the total amount of principal and interest to become due on all such bonds within the then next succeeding period of twelve months. As principal and interest become due from time to time, the director of the department of accounts and purchases, not less than fifteen days prior to the payment dates, shall issue warrants upon the state treasurer against said revenue bond fund for the amount of such payment coming due, and the state treasurer shall make payments from such fund of the amounts due.

55-08-10. Covenants of Board.) The board is authorized and directed to pledge irrevocably the revenues appropriated by section 55-08-07 to the state park fund for the payment of principal and interest due on all bonds issued pursuant to section 55-08-08 and for the accumulation and maintenance of the reserve in the state park revenue bond fund as provided in section 55-08-09. In order to secure the prompt payment of such principal and interest and the proper application of the revenues pledged thereto, the board is authorized by appropriate provisions in the resolution or resolutions authorizing the bonds to covenant as to the use and disposition of the proceeds of the sale of such bonds; the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds; the issuance of any other obligation payable from said revenues; and any other matters other than and in addition to those herein expressly mentioned, as to which covenants may be considered necessary or advisable to effect the purposes of this chapter. All such agreements and covenants entered into by the board shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

55-08-11. Limitation on Use of Bond Proceeds.) No buildings or additions shall be erected, and no bonds shall be issued or the proceeds used for the payment of the cost of any projects under the provisions of section 55-08-08, save and except for such specified projects as may be from time to time designated and authorized by legislative act, or the board if the legislative assembly shall so provide, nor shall any such project be erected at a cost exceeding the amount fixed by the legislative assembly in such act or by the board if the legislative assembly shall so provide, as the maximum to be expended therefor. The proceeds of all bonds credited to the state parks fund shall be used solely for the purpose or purposes for which

the bonds are authorized. The board is empowered to make and execute all instruments which may be deemed necessary or advisable to provide for the completion of any project or for the sale of the bonds or for interim financing deemed necessary or advisable pending the sale of the bonds, and pledging the proceeds of the bonds. The director of the department of accounts and purchases is authorized and directed to issue warrants upon the state treasury against said fund for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose. The state park fund and revenue bond fund may be deposited by the state treasurer with the Bank of North Dakota or in a bank which is a duly designated depository for state funds, or may be invested under direction of the board in securities which are direct obligations of the United States of America, except to the extent that such investment may be prohibited or restricted by any covenant made with or for the benefit of bondholders.

55-08-12. Contracts with Federal Agencies.) The director of state parks may enter into any agreements or contracts with the United States of America or any agency or instrumentality thereof, when the director considers such action advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of a project.

55-08-13. Construction of Chapter—Statement To Be Included in Bonds.) Nothing in this chapter shall be construed to authorize or permit any state board or agency or any officer thereof to create any indebtedness of the state, or to incur any obligation of any kind or nature except such as shall be payable solely from the special trust funds to be created under the terms and provisions of this chapter and the revenues herein appropriated to said funds, nor shall the state of North Dakota or any funds or moneys of the state other than said special trust funds ever be deemed obligated for the payment of bonds issued under section 55-08-08 or any part thereof. All such bonds shall include or shall have endorsed thereon a statement to the effect that the same do not constitute an indebtedness of the state of North Dakota and are payable solely from the revenues appropriated to the state park fund and revenue bond fund.

55-08-14. Projects and Revenue Bonds Authorized.) In accordance with the provisions of the foregoing sections of this chapter, revenue bonds are authorized to be issued and sold for the purpose of financing the acquisition, construction, reconstruction, improvement, betterment, and extension of park

properties for state parks, state campgrounds, state recreation areas and reserves at the following and in the following maximum amounts:

- Garrison Lake State Park, five hundred thousand dollars;
- Fort Lincoln State Park, four hundred fifty thousand dollars;
- Lake Metigoshe State Park, four hundred thousand dollars;
- Turtle River State Park, three hundred fifty thousand dollars;
- Totten Trail State Park, one hundred twenty-five thousand dollars;
- Icelandic State Park, one hundred twenty-five thousand dollars;
- Beaver Lake State Park, fifty thousand dollars.

Bonds issued as authorized in this section shall never become a general obligation or indebtedness of the state of North Dakota, but shall be payable solely from the state park revenue bond fund to be created from the revenues pledged thereto in accordance with the law and Constitution of the state of North Dakota. The proceeds of the sale of said bonds, or so much thereof as may be necessary, are hereby appropriated for the projects authorized in this section. Any unexpended proceeds from the sale of the bonds shall be placed in said revenue bond fund for the retirement of the bonds herein authorized.

§ 28. Repeal.) Sections 55-07-01, 55-07-02, 55-07-03, and 55-07-04 of the 1963 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 20, 1965.

CHAPTER 380

H. B. No. 888

(Breum, Christopher, Burk, Boustead)

LOCATION OF PIONEER BUILDINGS

AN ACT

To authorize the state historical society to locate pioneer buildings on the grounds of the Camp Hancock Museum.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. State Historical Society to Locate Pioneer Buildings.)

The state historical society, with the approval of its board of directors, may locate or place pioneer buildings or structures on the grounds of the Camp Hancock Museum in the city of Bismarck. The maintenance, supervision, and promotion of such pioneer buildings shall be under the control and direction of the state historical society.

Approved March 15, 1965.

CHAPTER 381

H. B. No. 914

(Solberg, Anderson)

NORTH DAKOTA HERITAGE COMMISSION

AN ACT

To establish the North Dakota Heritage Commission and to plan and design a heritage center and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Establishment of the North Dakota Heritage Commission.) There shall be a North Dakota Heritage Commission consisting of the governor, the director of the state department of accounts and purchases, the chairman of the North Dakota state historical board, and two members of the current North Dakota legislature to be selected by the membership of each house.

§ 2. Powers and Duties.) The commission shall:

1. Plan and design a permanent heritage center building on the North Dakota state capitol building grounds, but located outside of the state capitol building itself;
2. Conduct, promote, and finance, in full or in part, studies, investigations, and research into development and construction of such a center;
3. The state historical board of North Dakota shall approve any plan for the preservation and display of material and mementos of North Dakota's heritage.

§ 3. Executive Director—Appointment—Salary.) The commission may appoint an executive secretary and fix his salary.

§ 4. Funds and Grants Received—Expenditures.) The commission may accept funds, property, or services from any source, and all revenue received by the commission from gifts and grants in aid shall be deposited in the state treasury in a special heritage center fund. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the governor and chairman of the historical board. Upon approval of such vouchers by the state auditing board, warrant-checks for such expenditures shall be prepared by the department of accounts and purchases.

§ 5. Meetings—When Held—Compensation and Expenses of Commission Members.) The governor shall act as chairman of the commission. It shall meet at the call of the chairman and a majority of the commission shall constitute a quorum. The commission members shall receive no compensation but shall be allowed their actual traveling, meals, and lodging expenses when engaged in the discharge of their official duties as members of the commission, paid as other state officials are paid, from funds available to the commission.

§ 6. Records—Reports.) The commission shall keep minutes of its meetings and a record of all its transactions and shall at the beginning of each biennial legislative session, and may at any other time, make a report of its activities and recommendations to the members of the legislature.

§ 7. Appropriation.) There is hereby appropriated the sum of ten thousand dollars from the permanent capitol building fund for the purpose of planning and designing a heritage center building to be located on the capitol building grounds.

Approved March 17, 1965.