

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 494

HOUSE BILL NO. 1315

(Atkinson, A. Hausauer, Wagner, Martinson, E. Metzger)

TRANSFER OF FORMER GOVERNORS' MANSION

AN ACT to transfer the custody and control of the former executive mansion from the director of institutions to the state historical board, and to repeal chapter 342 of the 1957 Session Laws of North Dakota.

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

SECTION 1. CUSTODY AND CONTROL OF FORMER EXECUTIVE MANSION - MAINTENANCE RESPONSIBILITY.) The custody and control of the former executive mansion located at 320 Avenue B East in the city of Bismarck, North Dakota, with the legal description of lots 3 and 4, Block 11, Northern Pacific Addition to the city of Bismarck, is hereby transferred from the director of institutions to the state historical board. The maintenance responsibility of the former executive mansion shall continue in the director of institutions, subject to the direction of the superintendent of the state historical board.

SECTION 2. REPEAL.) Chapter 342 of the 1957 Session Laws of North Dakota is hereby repealed.

Approved March 18, 1975

CHAPTER 495

SENATE BILL NO. 2104
(Committee on State and Federal Government)
(At the request of the State Park Service)

LEASE OR EXCHANGE OF PARK LANDS

AN ACT to amend and reenact subsection 7 of section 55-08-03 of the North Dakota Century Code to allow the director of state parks to lease or exchange lands held by the park service.

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

SECTION 1. AMENDMENT.) Subsection 7 of section 55-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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, subject to prior approval of the attorney general, lease or exchange such lands under his jurisdiction or control as he shall deem necessary for the improved management of state parks, state campgrounds, state recreation areas or reserves, and may also, subject to prior approval of the attorney general, impose such conditions or reservations to such leases or exchanges as the director may deem necessary, 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 chapter or other lands, 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.

Approved March 22, 1975

CHAPTER 496

HOUSE BILL NO. 1096
(Committee on State and Federal Government)
(At the request of the State Park Service)

METRIC SIGNS

AN ACT authorizing the director of state parks to provide for conversion to metric signs.

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

SECTION 1. METRIC PARK AND HIGHWAY SIGNS.) The director of state parks may provide for marking and posting of park and highway signs which shall indicate metric measurements within all state parks, state campgrounds, state recreation areas, or reserves. Such park and highway signs shall be marked and posted in a manner which shall conform as far as possible with such metric highway signs as the state highway commissioner shall approve pursuant to section 24-01-08.

Approved March 9, 1975

CHAPTER 497

SENATE BILL NO. 2105
(Committee on State and Federal Government)
(At the request of the State Park Service)

PARK PERMIT FEES

AN ACT to amend and reenact section 55-08-06 of the North Dakota Century Code to allow the director of state parks to prescribe the size and character of motor vehicle permits and to increase the fee from four to five dollars.

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

SECTION 1. AMENDMENT.) Section 55-08-06 of 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 of state parks 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 preceding, 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 five dollars shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at one dollar 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 February 28, 1975

CHAPTER 498

HOUSE BILL NO. 1097
(Powers)

PARK PERMITS FOR SENIOR CITIZENS

AN ACT to provide for issuance of permits to residents sixty years of age or more which would allow such persons free access to state parks.

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

SECTION 1. NORTH DAKOTA SENIOR CITIZENS PASSPORT.) The director of park services shall establish procedures providing for the issuance of an annual entrance permit to be known as the "North Dakota senior citizens passport". Such permit shall be issued to any resident of North Dakota who is sixty years of age or older and who shall apply for such permit. Such permit shall be nontransferable, shall be issued without charge, and shall entitle 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 without charge. No other free permits shall be issued to any person. The provisions of this Act which provide a waiver of fees shall be effective notwithstanding any provisions to the contrary contained in chapter 55-08.

Approved March 12, 1975

CHAPTER 499

SENATE BILL NO. 2106
(Committee on State and Federal Government)
(At the request of the State Park Service)

PARK SERVICE CONCESSION FUND

AN ACT to amend and reenact section 55-08-07.1 of the North Dakota Century Code to allow the state park service concession fund to pay for supplies, costs, travel expenses, and repair, replacement, and maintenance.

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 PARK SERVICE CONCESSION FUND -
APPROPRIATION.) The director of the state parks 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 such items; and
2. Repair, replacement, and maintenance of concession stands 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 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 thousand dollars on June thirtieth of each year shall be transferred to the state park operating fund.

Approved March 12, 1975

CHAPTER 500

SENATE BILL NO. 2367
(Homuth)

HISTORICAL SITES REGISTRY

AN ACT to create and enact subsection 4 of section 55-10-02 and section 55-10-12 of the North Dakota Century Code, relating to the definition of a state historic sites registry and to the authority of the state historical society superintendent to mark state historic sites; and to amend and reenact sections 55-10-07 and 55-10-08 of the North Dakota Century Code, relating to notice to the state historical society of land acquisition and to duties of governmental subdivisions in regard to state historic sites.

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

SECTION 1.) Subsection 4 of section 55-10-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

4. The "state historic sites registry" shall be a listing of sites designated by the state historical board of the state historical society as possessing historical value, as defined in this section, and including but not limited to sites enumerated in this chapter. This registry shall be published and updated annually and distributed in accordance with state law dealing with publications.

SECTION 2. Section 55-10-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

55-10-12. AUTHORITY TO MARK SITES.) The superintendent of the state historical board of the state historical society of North Dakota may authorize, fund, and place state historical markers, as defined by subsection 2 of section 55-10-02, on any site listed in the state historic sites registry. This includes authority to negotiate with private property owners to mark privately owned sites, but does not include agreements to pay private property owners compensation to mark such property.

SECTION 3. AMENDMENT.) Section 55-10-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-10-07. NOTICE TO STATE HISTORICAL SOCIETY OF NORTH DAKOTA

OF LAND ACQUISITION.) Whenever the state or any governmental subdivision acquires any of the property listed in the state historic sites registry, as defined in subsection 4 of section 55-10-02, as a state historic site, it is the duty of the officer in charge of such acquisition to notify in writing as promptly as may be expedient, the superintendent of the state historical board of the state historical society of North Dakota as set out in section 55-01-01 of such acquisition.

SECTION 4. AMENDMENT.) Section 55-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-10-08. DUTIES OF THE STATE AND GOVERNMENTAL SUBDIVISIONS IN REGARD TO STATE HISTORIC SITES - PROHIBITIONS.)

1. The state, its departments and agencies, each city, town, county, school district, and other body corporate and politic, are by this chapter notified of the existence of state historic sites on land and water areas in North Dakota listed in the state historic sites registry, as defined in subsection 4 of section 55-10-02.
2. Neither the state nor any of the instrumentalities of government enumerated in subsection 1 shall cause to alter the physical features or historic character of any site listed in the state historic sites registry, defined in subsection 4 of section 55-10-02, as a state historic site without first obtaining the prior approval thereof from the superintendent of the state historical board of the state historical society of North Dakota as set out in section 55-01-01.

Approved March 13, 1975

CHAPTER 501

SENATE BILL NO. 2424
(Fritzell)

NATURE PRESERVES

AN ACT to provide for the establishment, acquisition, control, use, management, and protection of a state system of nature preserves; and to provide for the state park service to administer the Act.

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

SECTION 1. DECLARATION OF POLICY.) As a result of the continuing growth of the population and development of the economy of the state of North Dakota, it is necessary and desirable that natural areas be set aside and preserved for the benefit of present and future generations before such areas are destroyed. Such areas are irreplaceable as laboratories for scientific research; as reservoirs of natural materials not all of the uses of which are now known; as habitats for plant and animal species and biotic communities, the diversity of which enriches the meaning and enjoyment of human life; as living museums where people may observe natural biotic and environmental systems of the earth and the interdependence of all forms of life; as examples of our natural heritage; and as reminders of the vital dependence of the health of the human community upon the health of the natural communities of which human health is an inseparable part. It is essential to the people of the state of North Dakota that they retain the opportunities to maintain close contact with such living communities and environmental systems of the earth and to benefit from the scientific, aesthetic, cultural, and spiritual values they possess. It is therefore the public policy of the state of North Dakota that such areas be acquired and preserved by the state, and that other agencies, organizations, and individuals, both public and private, be encouraged to set aside such areas for the common benefit of the people of present and future generations.

SECTION 2. DEFINITIONS.) As used in this Act, unless the context otherwise requires:

1. "Natural area" means an area of land or water, or both land and water, whether in public or private ownership, which either retains or has reestablished its natural character, whether or not it has been disturbed, or has unusual flora or fauna or has biotic, geological, aesthetic, scenic, or paleontological features of

scientific or educational value, or which is selected or accepted by the state park service for the purpose of the reestablishment of such features of scientific or educational value.

2. "Nature preserve" means any natural area or any estate, interest, or right which has been formally dedicated under the provisions of this Act.
3. "Dedicate" and "dedication" mean the transfer to the state park service, for and on behalf of the state of North Dakota, of an estate, interest, or right in a natural area in any manner permitted by section 5 of this Act.
4. "Articles of dedication" means the writing by which any estate, interest, or right in a natural area is formally dedicated as permitted by section 5 of this Act.
5. "State park service" or "park service" means the state park service of North Dakota.

SECTION 3. SYSTEM OF NATURE PRESERVES - USES AND PURPOSES.)

In order to secure for the people of the state of North Dakota, of present and future generations, the benefits of an enduring resource of natural areas, the state of North Dakota, acting through the state park service, shall acquire and hold in trust for the benefit of the people of the state of North Dakota an adequate system of nature preserves for the following uses and purposes:

1. For scientific research in such fields as agriculture, ecology, forestry, genetics, geology, paleontology, pharmacology, soil science, taxonomy, and similar fields.
2. For the teaching of biology, natural history, ecology, conservation, and other subjects.
3. As habitats for plant and animal species and communities and other natural objects.
4. As reservoirs of natural materials.
5. As places of natural interest and beauty.
6. As living illustrations of our natural heritage wherein one may observe and experience natural biotic and environmental systems of the earth and their processes.
7. To promote understanding and appreciation of the aesthetic, cultural, and spiritual values of such natural areas by the people of the state of North Dakota.
8. For the preservation and protection of natural areas against modification or encroachment resulting from occupation, development, or other use which would destroy

the scientific, educational, or aesthetic value of such areas.

SECTION 4. STATE PARK SERVICE - ADVISORS - MEETINGS.) The state park service shall be responsible for implementing the purposes of this Act, and shall seek the advice of and work in conjunction with the directors of the state historical board, the state highway department, the state forest service, and the state game and fish department in fulfilling the purposes of this Act. Meetings with the directors of those agencies shall be held at such regular times as the park service may establish.

SECTION 5. ACQUISITION OF NATURE PRESERVES AND NATURAL AREAS.) The state park service is authorized and empowered, for and on behalf of the state of North Dakota, to acquire nature preserves by gift, devise, or exchange. The park service may acquire the fee simple interest in a natural area or any one or more lesser estates, interests, and rights therein, including, without limitation upon the generality of the foregoing by reason of specification, a leasehold estate, an easement either appurtenant or in gross and either granting the state specified rights of use or denying to the grantor specified rights of use, or both.

SECTION 6. DEDICATION OF NATURAL AREAS - RECORDING OF ARTICLES OF DEDICATION.) An estate, interest, or right in a natural area may be dedicated by any state agency having jurisdiction thereof, by any other unit of government within the state having jurisdiction thereof, and by any private owner thereof. A dedication shall be deemed effective, and a natural area shall become a nature preserve, only upon the acceptance of the articles of dedication by the state park service. Articles of dedication shall be placed on record in the office of the register of deeds in the county in which the natural area is located.

SECTION 7. ARTICLES OF DEDICATION - CONTENTS.) Articles of dedication may contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain such other restrictions and provisions as may be necessary or advisable to further the purposes of this Act. They may, consistently with the purposes of this Act, define the respective rights and duties of the owner or operating agency and the park service. They may provide procedures to be applied in case of violation of their restrictions and other provisions. They may recognize and create reversionary rights and transfers upon conditions or with limitations. They may vary in provisions from one nature preserve to another in accordance with differences in characteristics and conditions of the several natural areas.

SECTION 8. AMENDMENTS TO ARTICLES OF DEDICATION - APPROVAL OF GOVERNOR - RESTRICTION.) With the approval of the governor and upon such terms and conditions as the park service may determine, the park service may, after giving notice and holding a public hearing as provided in section 12 of this Act, enter into amendments of any articles of dedication upon a finding by the park service that such amendments will not permit an impairment, disturbance, use, or development of the natural area inconsistent

with the purposes of this Act; provided, however, that if the fee simple interest in the natural area is not held by the state of North Dakota under this Act, no amendment shall be made without the written consent of the owner or owners of the fee simple interest therein.

SECTION 9. STATE PARK SERVICE - POWERS AND DUTIES.) In furtherance of the purposes of this Act and in implementation of the powers and duties elsewhere provided in this Act, the state park service shall have the following additional powers and duties:

1. To formulate policies for the selection, acquisition, use, management, and protection of nature preserves.
2. To determine, supervise, and control the management of nature preserves and to make, publish, and amend from time to time reasonable rules and regulations necessary or advisable for the use and protection of nature preserves and for the business of the park service.
3. To encourage and recommend the dedication of natural areas as nature preserves.
4. To acquire land adjacent to any nature preserve when necessary to serve as a protective buffer or service area, or both, for the nature preserve. No such buffer or service area shall be a nature preserve unless an estate, interest, or right therein is thereafter dedicated as a nature preserve under the provisions of this Act.
5. To cooperate and contract with any agency, organization, or individual.
6. To accept, administer, and use for the purposes of this Act, gifts, grants, devises, and bequests of money, securities, and other property, conditional or unconditional, but the park service may refuse any gift, grant, devise, or bequest which is upon terms or conditions unacceptable to it.
7. To make surveys and maintain registers and records of nature preserves and other natural areas within the state.
8. To promote, and to conduct or contract for, research and investigation of nature preserves and other natural areas within the state.
9. To carry on interpretive programs and publish and disseminate information pertaining to nature preserves and other natural areas within the state.
10. To promote and assist in the establishment, restoration, and protection of, and advise in the management of,

natural areas, and to foster and aid in the establishment, restoration, and preservation of natural conditions within the state elsewhere than in the system.

11. To authorize payment of travel and other necessary expenses of the members of the advisory board, the travel expenses to be prorated among the five departments.
12. To design and control the use of official state nature preserve signs and to recommend to the state highway department locations for such signs.
13. To submit to the governor an annual report on or before December thirty-first of each year, which shall account for each nature preserve in the system and make such other reports and recommendations as the park service may deem advisable.

SECTION 10. ADVISORS TO THE STATE PARK SERVICE.) The directors of the state historical board, the state highway department, the state forest service, and the state game and fish department shall serve as advisors to the state park service. Such advisors may, in the discretion of the park service, attend meetings dealing with the purposes of this Act but shall have no right to vote. Nothing in this section shall be construed to prevent the park service from meeting from time to time in its discretion without the participation of the advisors.

SECTION 11. NATURE PRESERVES - TAKING FOR ANOTHER USE - LIMITATIONS.) Each nature preserve within the system is hereby declared to be held in trust for those uses and purposes expressed in this Act, which are not prohibited by the articles of dedication, for the benefit of the people of the state of North Dakota of present and future generations, and declared to be put to its highest, best, and most important use for the public benefit. It shall be managed and protected in the manner approved by, and subject to the rules and regulations established by, the park service. It shall not be taken for any other use except another higher public use after a finding by the park service of the existence of an imperative and unavoidable public necessity for such other higher public use and with the approval of the governor. Except as may otherwise be provided in the articles of dedication, the park service may grant, for a fair consideration and upon such terms and conditions as it may determine, an estate, interest, or right in, or the park service may dispose of, a nature preserve, but only after a finding by the park service of the existence of an imperative and unavoidable public necessity of a higher nature for such grant or disposition and such finding shall be made subject to the approval of the governor.

SECTION 12. HEARINGS - NOTICE.) Before the state park service shall make any finding of the existence of an imperative and unavoidable public necessity of a higher nature, or shall grant any estate, interest, or right in a nature preserve or dispose of a nature preserve or of any estate, interest, or right therein as provided in section 11 of this Act, or shall enter into

any amendment of any articles of dedication as provided in section 6 of this Act, it shall give notice of such proposed action and an opportunity for any person to be heard. Such notice shall be published once each week for two successive weeks in a newspaper having a general circulation in the county or counties wherein the nature preserve is located and shall be mailed within five days after such publication to all persons who have requested notice of all such proposed actions. The notice shall set forth the substance of the proposed action and describe, with or without legal description, the nature preserve affected, and shall specify a place and time not less than thirty days nor more than sixty days after such publication for a public hearing before the park service on such proposed action. All persons desiring to be heard shall have a reasonable opportunity to be heard prior to action by the park service on such proposal.

SECTION 13. LIMITATIONS.) Nothing contained in this Act shall be construed as interfering with the purposes stated in the establishment of or pertaining to any state or local park, preserve, wildlife refuge, or other area, or the proper management and development thereof, except that any agency administering a natural area dedicated as a nature preserve under the provisions of this Act shall be responsible for preserving the character of the natural area in accordance with the articles of dedication and the applicable rules and regulations with respect thereto established by the park service from time to time. Neither the dedication of a natural area as a nature preserve nor any action taken by the park service under any of the provisions of this Act shall void or replace any protective status under law which the natural area would have if it were not a nature preserve, and the protection provisions of this Act shall be supplemental thereto. Under the provisions of this Act, the state park service shall not have or use the right of eminent domain.

Approved March 25, 1975

CHAPTER 502

SENATE BILL NO. 2440
(Kautzmann)

SALE OF MORTON COUNTY LAND

AN ACT to authorize the director of state parks of the North Dakota park service to sell and convey certain land owned by the state of North Dakota.

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

SECTION 1.) The director of state parks of the North Dakota park service is hereby authorized to sell and convey certain land described herein and owned by the state of North Dakota, under conditions hereinafter stated, at private sale to Leonard A. and Alice Bender, husband and wife, whose present mailing address is Box 273, Mandan, North Dakota. Prior to such sale, Leonard A. and Alice Bender are to employ a qualified real estate appraiser approved by the director of the state parks for the purpose of establishing the fair market value of the property. If sold, the property shall be sold to Leonard A. and Alice Bender for cash for not less than the appraised value. The land consists of and is described as follows:

Auditor's lot "D" of the northeast quarter of section twenty-five, in township one hundred thirty-eight north, of range eighty-one west, described as follows: A tract of land lying in the northeast quarter of section twenty-five, township one hundred thirty-eight north, of range eighty-one west, of the fifth principal meridian, more fully described as follows: Beginning at the northwest corner of auditor's lot "C" of the northeast quarter of section twenty-five, township one hundred thirty-eight north, range eighty-one west; thence continuing northerly at the same bearing as the west boundary line of said lot "C" a distance of one hundred fifty feet; thence easterly at an interior angle of ninety-three degrees, fifty-seven minutes, seven seconds to the westerly right-of-way of ND Highway 1806 and the northeast corner of auditor's lot "C" a distance of three hundred forty and forty-three hundredths feet; thence southwesterly at an interior angle of forty-seven degrees, thirty-three minutes, thirty-five seconds along the north boundary of said lot "C" a distance of two hundred five and thirty-five hundredths feet; thence northwesterly at an interior angle of one hundred thirty-one

degrees, fifty-eight minutes, eighteen seconds along the north line of said lot "C" a distance of two hundred twelve and fifteen hundredths feet to the point of beginning, said tract containing ninety-six hundredths acres more or less.

Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed as are now held by the state. Upon the sale of such land, the proceeds shall be deposited in the general fund of the state treasury. The real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

SECTION 2.) The state shall not be responsible for the payment of any special assessments levied and assessed by any taxing district against property subject to sale and conveyance pursuant to this Act.

Approved April 8, 1975