

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 590

HOUSE BILL NO. 1144
(Committee on Political Subdivisions)
(At the request of the State Historical Board)

HISTORICAL SITES ON STATE OR LOCAL GOVERNMENT LAND

AN ACT to amend and reenact section 55-02-07 of the North Dakota Century Code, relating to historical, archaeological, and paleontological artifacts or sites found or located on land owned by the state or its political subdivisions and the procedures for determining significance and mitigating proposed actions affecting those artifacts or sites.

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

SECTION 1. AMENDMENT. Section 55-02-07 of the North Dakota Century Code is hereby amended and reenacted 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 and which is, in the opinion of the superintendent, significant in understanding and interpreting the history and prehistory of the state, shall not be cared for, handled, protected, excavated, or stored under the direction of or in the manner prescribed by the superintendent destroyed, defaced, altered, removed, or otherwise disposed of in any manner without the approval of the state historical board. Notification of the superintendent's opinion of significance shall be communicated to the appropriate governing official. The state historical board through the superintendent shall, within sixty days of written notification to it by the appropriate governing official of the state or political subdivision's desire, need, or intent to destroy, alter, remove, or otherwise dispose of a significant artifact or site, provide said governing official written direction for the care, protection, excavation, storage, destruction, or other disposition of said significant artifact or site. It shall be the responsibility of the state and its political subdivisions to cooperate with the state historical board in identifying and implementing any reasonable alternative to destruction or alteration of any historical, archaeological, or paleontological artifact or site significant in understanding and interpreting the history and prehistory of the state before the state historical board shall approve such demolition or alteration.

CHAPTER 591

SENATE BILL NO. 2312
(Senators Todd, Kusler, Satrom)
(Representatives Unhjem, Nalewaja, O. Solberg)

HISTORICAL IMPACT FUND

AN ACT to establish a historical impact fund for emergency historical and archaeological projects.

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

SECTION 1. Historical impact emergency fund - Administration by superintendent of state historical board - Emergency commission authorization. There is hereby created a historical impact emergency fund to be administered by the superintendent of the state historical board for the purpose of emergency mitigation of adverse effects on cultural resources and historical buildings, structures, or objects in the state. The superintendent may use the moneys in the historical impact emergency fund only after the emergency commission has authorized the proposed use and expenditure. The historical impact emergency fund may receive moneys by legislative appropriation and by gift, grant, devise, or bequest of any money or property to the fund. The fund is not subject to section 54-44.1-11 and all income and moneys derived from the investment of the fund must be credited to the fund.

Approved April 4, 1985

CHAPTER 592

HOUSE BILL NO. 1143
(Committee on Transportation)
(At the request of the Parks and Recreation Department)

MOTOR VEHICLE PERMIT FEES IN PARKS

AN ACT to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to permit fees for motor vehicles in state parks, recreational areas, or reserves.

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 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 maximum fee of five fifteen dollars ~~shall~~ may be charged for each permit issued, except that permits of appropriate special design may be sold individually at ~~one dollar~~ a maximum of two dollars per permit covering the use of state parks, state recreational areas or reserves under such conditions as the director may prescribe for a designated period of not more than three days. The fees collected shall be deposited in the state park operating fund in the state treasury.

Approved March 27, 1985

CHAPTER 593

HOUSE BILL NO. 1267
(Representatives Wald, A. Hausauer, Hoffner)
(Senators Lips, Tallackson)

RECREATIONAL LEADERSHIP AND FACILITIES GRANTS

AN ACT to provide for the administration of recreational leadership grants and facilities grants.

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

SECTION 1. Leadership and facilities grants. The North Dakota parks and recreation department shall administer the funds made available to provide for recreational leadership grants and facilities grants in the following manner:

1. One-fourth of all moneys made available to the department for the grants shall be used for a leadership grant program. This program shall provide enhanced recreational opportunities to state residents, particularly in communities with a population of thirteen thousand or less, regardless of age or state of health. Moneys must be provided on a three-to-one basis for the first year of a grant, one-to-one for the second year of a grant, and one-to-three for the third year of the grant, after which the program must be fully funded locally.
2. Three-fourths of all moneys made available to the department for the grants shall be used for a facilities grant program. This program shall provide funds, on a fifty percent matching basis, for political subdivisions to improve, renovate, or construct any type of facility primarily used for community, park, and recreation purposes.

Approved March 31, 1985

CHAPTER 594

SENATE BILL NO. 2161
(Committee on State and Federal Government)
(At the request of the State Historical Board)

STATE HISTORIC SITE REGISTRY REMOVAL

AN ACT to amend and reenact subsection 4 of section 55-10-02 of the North Dakota Century Code, relating to the state historic sites registry, additions to or deletions from that list, and the discretionary powers of the state historical board regarding that list.

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

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

4. The "state historic sites registry" shall be a listing of sites designated by the state historical board ~~of the~~ as state historical society as possessing historical value, ~~as defined in this section,~~ historic sites according to written criteria established by the board and including but not limited to sites enumerated in this chapter. Sites which have lost characteristics for which they were determined to meet the criteria may be removed from the registry by the state historical board. This registry, and any subsequent annual updates thereto, shall be published ~~and updated annually~~ and distributed ~~in accordance with state law dealing with publications.~~

Approved March 29, 1985

CHAPTER 595

SENATE BILL NO. 2162
(Committee on State and Federal Government)
(At the request of the State Historical Board)

STATE HISTORIC SITE DEMOLITION

AN ACT to amend and reenact subsection 2 of section 55-10-08 of the North Dakota Century Code, relating to the responsibilities of the state or instrumentalities of state government regarding demolition or alteration of any site listed in the state historic sites registry and the procedure for approval or mitigation of any proposed demolition or alteration.

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

SECTION 1. AMENDMENT. Subsection 2 of section 55-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Neither the state nor any of the instrumentalities of government enumerated in subsection 1 shall demolish or 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 upon authorization of the state historical board. It shall be the responsibility of the state or instrumentalities of government enumerated in subsection 1 to cooperate with the state historical board in identifying and implementing any reasonable alternative to demolition or alteration of any state historic site before the board approves such demolition or alteration.

Approved March 22, 1985

CHAPTER 596

HOUSE BILL NO. 1142
(Committee on State and Federal Government)
(At the request of the State Historical Board)

RECOGNITION OF FEDERAL HISTORICAL PRESERVATION LAW

AN ACT to amend and reenact section 55-10-11 of the North Dakota Century Code, relating to the federal historic preservation law and the discretionary powers of the state historical board regarding participation in the programmatic provisions of that law and supplements thereto.

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

SECTION 1. AMENDMENT. Section 55-10-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-10-11. ~~Acceptance~~ Recognition of federal historical preservation law. The state of North Dakota hereby ~~assents to~~ recognizes the provisions of Public Law 89-665, [16 U.S.C. 470 et seq.] approved October 15, 1966, an Act to establish a program for the preservation of additional historic properties throughout the nation, and all acts amendatory and supplementary thereto. The state historical society of North Dakota is hereby authorized, and empowered, and ~~directed to perform all such acts as may be necessary on behalf of North Dakota~~ to conduct, coordinate, and carry out the purposes and objectives of this Act of Congress ~~for and within~~ to the extent to which this Act is determined by the state historical board to be beneficial to the state of North Dakota. The state historical society ~~shall~~ may carry out a comprehensive statewide historic survey in accordance with criteria established by the secretary of the interior for the preservation, acquisition, and development of such property as provided in the Act of Congress. The society may transfer funds made available to the state to other state agencies, local governments, and to other public bodies, private organizations, and individuals for the acquisition of title or interests in, and for the development of, any district, site, building, structure, or object significant in American history, architecture, archaeology, and culture, or property used in that connection, and for its development to assure the preservation for public benefit of any historic properties, in compliance with this Act of Congress and with rules and regulations promulgated by the secretary of the interior for its administration. For these purposes, the state historical society may inspect the projects and examine the records of those projects eligible for grants and may establish necessary rules and regulations for the projects.

Approved March 14, 1985

CHAPTER 597

SENATE BILL NO. 2273
(Senator Parker)
(Representative W. Williams)

NATURE PRESERVE PROGRAM ADVISERS

AN ACT to amend and reenact sections 55-11-04, 55-11-05, and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program and acquisition of nature preserves and natural areas.

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

SECTION 1. AMENDMENT. Section 55-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-11-04. State parks and recreation department - Advisers - Meetings. The department shall be responsible for implementing the purposes of this chapter, 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~~ advisers to the department as provided by section 55-11-10 in fulfilling the purposes of this chapter. ~~Meetings with the directors of these agencies shall be held at such regular times as the department may establish.~~

SECTION 2. AMENDMENT. Section 55-11-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-11-05. Acquisition of nature preserves and natural areas. The department is authorized and empowered, for and on behalf of the state of North Dakota, to acquire nature preserves by gift, devise, or exchange, or purchase, with prior approval of the legislative assembly or governor. The department 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 3. AMENDMENT. Section 55-11-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-11-10. Advisers to the state parks and recreation department. The ~~directors~~ superintendent of the state historical board, the state ~~highway department~~ commissioner of agriculture, the state ~~forest service~~ forester, and the state game and fish ~~department~~ commissioner shall serve as advisers to the department. Such advisers may, in the discretion of the department, attend meetings dealing with the purposes of this chapter but shall have no right to vote. ~~Nothing in this~~ This section ~~shall be construed to~~ does not prevent the department from meeting from time to time in its discretion without the participation of the advisers.

Approved April 11, 1985