

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 682

SENATE BILL NO. 2372
(Senators Maixner, Richard, Krauter)
(Representatives R. Anderson, Martin, Kouba)

TRANSFER OF HISTORICAL BOARD COLLECTION ITEMS

AN ACT to amend and reenact subsection 3 of section 55-01-02 of the North Dakota Century Code, relating to the jurisdiction of the state historical board to dispose of items within its custody.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 55-01-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Dispose of or transfer such articles in the collections as ~~the superintendent may recommend~~; it deems appropriate. However, the board may not make any disposal or transfer before hearing an assessment of any proposed disposal or transfer by the superintendent of the state historical board. Disposal or transfer is to be by any appropriate means including but not limited to sale or exchange, provided that the proceeds from sale of articles must be deposited in the state treasury in a special revolving fund. All moneys in such fund are hereby appropriated on a continuing basis for the purchase of other items for the collections. Unless other conditions are specified in a deed or gift, a reasonable attempt shall be made to return articles to the original donor prior to disposal by any other means.

Approved April 6, 1989
Filed April 7, 1989

CHAPTER 683

SENATE BILL NO. 2486
(Senators Yockim, Hanson)
(Representatives Haugen, Gerhardt, Nelson)

YELLOWSTONE-MISSOURI CONFLUENCE AREA IMPROVEMENTS

AN ACT to amend and reenact section 55-06-01 of the North Dakota Century Code, relating to the Yellowstone-Missouri-Fort Union commission; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-06-01. Yellowstone-Missouri-Fort Union commission. There shall be a Yellowstone-Missouri-Fort Union commission, hereinafter referred to as the "commission", declared to be a governmental agency with the authority to exercise the powers specified herein, or which may be reasonably implied, composed of the governor as chairman, the president of the senate, the speaker of the house, the superintendent of the state historical board, the director of the economic development commission, all ex officio, and five citizens of the state to be appointed by the governor who shall serve without compensation for the purpose of investigating, in cooperation with the state of Montana and the national park service, the historical importance and significance of the area and for formulating and executing plans for the preservation of the historic sites illustrative of the history of the United States. The commission may expend its operating expenses and other funds provided by legislative appropriations, and public and private grants, for programs, improvements, and facilities to preserve and improve the Yellowstone-Missouri confluence area.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 31, 1989
Filed March 31, 1989

CHAPTER 684

HOUSE BILL NO. 1324
(Representatives D. Olsen, Myrdal, Kolbo)
(Senators Nething, Tallackson, David)

PARKS AND RECREATION SUMMER CAMP FEES

AN ACT to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to fees charged for services by the director of the North Dakota parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-05. Charges for services. The director is hereby authorized to provide special services within state parks, state campgrounds, state recreation areas, and reserves, and to make rules and regulations for the use of such services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all such special services, and shall revise the same, when necessary, in such manner that the revenue derived therefrom will be sufficient to pay the cost of providing each such service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for any such services, and to maintain a reserve for the security of said bonds as herein provided. The director may, ~~however,~~ waive the collection of charges, fees, and rentals for the use of all such special services by health care-related charitable organizations conducting group camp activities without charge to participants. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. Specifically, but without limitation of said general authorization, the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent-camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds which may be created in any state park, state recreation area or reserve for the

purpose of having historical or other pageants conducted by the agent of any authorized agency.

4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in subsection 6, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of any such buildings, structures, and facilities to a concessionaire to be operated on such terms and compensation basis as the director ~~shall determine~~ determines to be in the best interest of the state. A bond ~~shall~~ must be required of each concessionaire in such amount as the director ~~shall determine~~ determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, provided the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
7. Charge and collect motor vehicle permit fees in such amounts as are or ~~shall~~ may be prescribed by the legislative assembly, not less than the amounts now prescribed in section 55-08-06, which fees are and ~~shall~~ must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.

Approved March 29, 1989

Filed March 30, 1989

CHAPTER 685

HOUSE BILL NO. 1162

(Committee on Transportation)

(At the request of the North Dakota Parks and Recreation Department)

STATE PARK VEHICLE FEES

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

Approved March 9, 1989

Filed March 9, 1989

CHAPTER 686

HOUSE BILL NO. 1140
(Committee on Natural Resources)
(At the request of the North Dakota
Parks and Recreation Department)

PARKS AND RECREATION DEPARTMENT GIFT FUNDS

AN ACT to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to the establishment of a state parks gift fund; and to amend and reenact section 55-08-07 of the North Dakota Century Code, relating to the expenditure of grants and bequests to the North Dakota parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-08-07. State park fund - Appropriation. All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, with the exception of revenue from bequests, trusts, or gifts, 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 is hereby irrevocably appropriated and shall be used and disbursed solely for the following purposes:

1. To pay the current cost of furnishing each special service provided in accordance with this chapter. For this purpose the charges, fees, and rentals for each service shall be credited to a special operating account, from which shall be paid only the current, reasonable and necessary cost of operating such service, determined in accordance with accepted accounting practice, including the purchase price of merchandise and utilities sold and the compensation of employees necessarily attributable to the furnishing of such service. The director shall incur no operating cost for any building, structure, or facility leased, and such leases shall provide for the payment of such costs by the lessee and for the payment of a net rental in addition thereto. No such lease rentals and no motor vehicle permit fees shall be credited to operating accounts.
2. 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 credit to a special service account within the state park fund, as received, all bond proceeds, all motor vehicle permit fees and all rental payments by lessees, and all net income remaining in the operating account for each special service at the end of each month, in excess of the costs of operation thereof which are then

payable or are to become due and payable within one month, and shall transfer from this fund and account 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.

3. To finance the acquisition, construction, reconstruction, improvement, betterment, or extension of park properties, for projects within 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 authorize the disbursement from time to time of bond proceeds and revenues received in the fund; provided, that no such disbursements shall be made in excess of the amounts of revenue bonds issued and other funds granted or appropriated and received for this purpose, and no such disbursements shall be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.
4. For any other park purpose for which funds shall have been appropriated by the legislative assembly to the North Dakota parks and recreation department; 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 2.

SECTION 2. A new section to chapter 55-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

State parks and recreation department gift fund - Fund use. There is established in the state treasury a special fund designated as the state parks gift fund. All donations to the state parks and recreation department in the form of gifts, trusts, and bequests of property or money, and any interest accruing thereon, must be placed in the state parks gift fund and is hereby appropriated to the department. The fund may be used and disbursed by the state parks and recreation department, with the approval of the state emergency commission, in accordance with the terms of the donation as determined by the director.

Approved March 29, 1989
Filed March 30, 1989

CHAPTER 687

HOUSE BILL NO. 1150

(Committee on Natural Resources)

(At the request of the North Dakota Parks and Recreation Department)

STATE PARKS CONCESSION FUND

AN ACT to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to the continuance of the state parks and recreation department revolving fund for concessions operations and using a modified accrual basis for the June thirtieth concession fund balance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-07.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

The sum of fifty thousand dollars is hereby ~~appropriated from~~ established in the state parks concession revolving fund for the purpose provided in this section as a standing and continuing appropriation limit on the fund balance after accrued liabilities on June thirtieth of each year. Any surplus in this fund in excess of fifty thousand dollars on June thirtieth of each year must be transferred to the state park operating fund.

Approved March 9, 1989

Filed March 9, 1989