

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 638

HOUSE BILL NO. 1307
(Representatives Pyle, Myrdal)
(Senator Marks)

HISTORICAL BOARD VOTING BY REPRESENTATION

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

55-01-01. State historical board. There shall be a state historical society of North Dakota which will be under the supervision and control of the state historical board. The board shall consist of nine members who shall be appointed by the governor. Each member appointed to the board must be a citizen and resident of the state of North Dakota. 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 except that the first appointments under this section shall be staggered so that the term of three members shall expire each year. 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, director of the department of transportation, state forester, state game and fish commissioner, director of the state library, and state treasurer shall be ex officio members of the board and shall take care that the interests of the state are protected. Each ex officio member may appoint a designee to attend meetings with full voting privileges.

Approved March 13, 1991
Filed March 13, 1991

* NOTE: Section 55-01-01 was also amended by section 93 of Senate Bill No. 2050, chapter 231.

CHAPTER 639

SENATE BILL NO. 2170
(Committee on Appropriations)
(At the request of the State Historical Society)

HISTORICAL SOCIETY FACILITY FEES

AN ACT to amend and reenact section 55-02-04 of the North Dakota Century Code, relating to establishment and disposition of fees for use of facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-02-04 of the North Dakota Century Code is amended and reenacted as follows:

55-02-04. Fees for use of facilities - Concession agreements - Duration - Appropriation. 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 property administered by the board; 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 property administered by the board but no such concession agreement or lease shall run for more than twenty years.
3. Establish fees for admissions, use charges, and services provided by the board.

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 revenues collected for services, shipping or postage charges, fees, admissions, use charges, rentals, compensation for concession agreements, or 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. 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 or providing the services from which the income is derived. 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 the office of management and budget shall transfer such portion of the balance of the special fund as exceeds fifty thousand dollars to the general fund.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 640

SENATE BILL NO. 2054
(Legislative Council)
(Interim Jobs Development Commission)

PARKS AND TOURISM DEPARTMENT

AN ACT to provide for the establishment of the North Dakota parks and tourism department; to amend and reenact subdivision g of subsection 1 of section 6-09-15, subsection 3 of section 10-06-04.3, sections 24-02-37.1, 24-03-21, subdivision o of subsection 1 of section 28-32-01, section 37-03-14, paragraph 7 of subdivision a of subsection 2 of section 39-01-01, section 39-24-05, subsection 3 of section 39-24-08, sections 39-24-09.1, 39-29-01.1, subsection 2 of section 39-29-05, subsection 3 of section 39-29-08, section 39-29-10, subsection 2 of section 54-34-06, sections 55-08-02.1, 55-08-03.1, 55-08-07, 55-08-07.1, 55-08-07.2, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, 55-08-14.1, 55-08-15, 55-10-04, subsection 3 of section 55-11-02, section 55-11-09, subsection 6 of section 57-39.2-28, section 61-29-04, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the powers and duties of the North Dakota parks and tourism department; to repeal sections 55-08-01, 55-08-03, 55-11-04, and 55-11-10 of the North Dakota Century Code, relating to the duties of the director of the parks and recreation department and advisers to the parks and recreation department; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subdivision g of subsection 1 of section 6-09-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- g. To nonprofit organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501 (c)(3)], the proceeds of the loans to be used for construction, reconstruction, repair, renovation, maintenance, and associated costs on property under the control of the ~~state~~ parks and ~~recreation~~ tourism department.

** SECTION 2. AMENDMENT. Subsection 3 of section 10-06-04.3 of the North Dakota Century Code is amended and reenacted as follows:

3. Before any farmland or ranchland can be purchased by any nonprofit organization for the purpose of conserving natural areas and habitats for biota, the governor must approve the proposed acquisition. A nonprofit organization that desires to purchase farmland or ranchland for the purpose of conserving natural areas and habitats for biota shall first submit a proposed acquisition plan to an advisory committee consisting of the director of the parks and outdoor recreation ~~department~~ sites division, the state

* NOTE: Section 6-09-15 was also amended by section 5 of Senate Bill No. 2058, chapter 95.

** NOTE: Subsection 3 of section 10-06-04.3 was also amended by section 2 of Senate Bill No. 2050, chapter 231.

engineer, the ~~agriculture~~ commissioner of agriculture, the state forester, the game and fish commissioner, and the manager of the Garrison Diversion Conservancy District, for acquisition plans containing lands within the Garrison Diversion Conservancy District, or their designees. The advisory committee shall review the proposed acquisition plan and shall make recommendations to the governor within thirty days after receipt of the proposed acquisition plan. The governor shall approve or disapprove any proposed acquisition plan, or any part thereof, within thirty days after receipt of the recommendations from the advisory committee.

* SECTION 3. AMENDMENT. Section 24-02-37.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-37.1. Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the game and fish commissioner, the director of ~~state~~ the parks and outdoor recreation sites division, the director of the economic development commission, and the commissioner. The committee shall meet at the call of the commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

** SECTION 4. AMENDMENT. Section 24-03-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-03-21. Preparation of road maps - Publication of tourist information. The commissioner shall prepare for general distribution, road maps of the state highway system and such other roads as ~~he shall deem~~ the commissioner determines necessary. Any tourist-oriented material printed on road maps ~~shall~~ must be prepared by the ~~economic development commission~~ tourism division of the parks and tourism department at no ~~expense~~ cost to the department of transportation.

*** SECTION 5. AMENDMENT. Subdivision o of subsection 1 of section 28-32-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

o. The parks and ~~recreation~~ tourism department.

**** SECTION 6. AMENDMENT. Section 37-03-14 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-03-14. North Dakota veterans' cemetery - Administration. The adjutant general shall establish and operate the North Dakota veterans' cemetery, which the adjutant general shall locate within or adjacent to Fort

Abraham Lincoln state park. The adjutant general may accept and utilize private and federal funds to establish and operate the veterans' cemetery. The adjutant general, with the approval of the governor, may enter into an agreement with the director of the ~~state parks and outdoor recreation department sites division~~ for the maintenance of the cemetery. The adjutant general shall provide lots in the state veterans' cemetery for the interment of deceased members of the national guard and veterans, and their spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. The adjutant general may adopt, amend, or rescind any rules under chapter 28-32 as deemed necessary to implement and administer this section.

SECTION 7. AMENDMENT. Paragraph 7 of subdivision a of subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- (7) Vehicles operated by or under the control of the director, ~~assistant director, and park superintendents~~ of the North Dakota parks and outdoor recreation department sites division.

SECTION 8. AMENDMENT. Section 39-24-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-24-05. Disposition of registration fees. Fees from registration of snowmobiles must be deposited with the state treasurer and credited to the motor vehicle registrar fund. The snowmobile trail tax must be deposited in a state snowmobile fund in the state treasury. The ~~state parks and recreation tourism~~ department may, upon appropriation by the legislative assembly, expend from such fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities.

SECTION 9. AMENDMENT. Subsection 3 of section 39-24-08 of the North Dakota Century Code is amended and reenacted as follows:

3. The director of the ~~state parks and outdoor recreation department sites division~~ shall ~~promulgate~~ adopt rules and regulations for regulating use of snowmobiles in state parks and other state-owned land ~~described in section 55-08-03~~ under the supervision of the director.

SECTION 10. AMENDMENT. Section 39-24-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-24-09.1. Operation by persons under age sixteen. Except as otherwise provided in this section, it is unlawful for any person twelve years of age and over who has not reached sixteen years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed a snowmobile safety training course as prescribed by the director of the ~~state parks and outdoor recreation department sites division~~ pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the commissioner. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce ~~the provisions of~~ this chapter is presumptive evidence that ~~such~~ the person is not the holder of ~~such~~ the certificate.

Fees collected from each person receiving certification must be deposited into the snowmobile trail tax fund for purposes of establishing snowmobile safety programs.

SECTION 11. AMENDMENT. Section 39-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of an all-terrain vehicle, each dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter the dealer shall file a report with the parks and ~~recreation~~ tourism department ~~that which~~ discloses the number of all-terrain vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the all-terrain vehicle fund established under subsection 2 of section 39-29-05. The fees may be used only by the parks and ~~recreation~~ tourism department and only for all-terrain vehicle safety education and promotion.

SECTION 12. AMENDMENT. Subsection 2 of section 39-29-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The all-terrain vehicle trail tax must be deposited in a state fund in the state treasury. The ~~state~~ parks and ~~recreation~~ tourism department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing all-terrain vehicle facilities, all-terrain vehicle use areas, and all-terrain vehicle safety and education programs.

SECTION 13. AMENDMENT. Subsection 3 of section 39-29-08 of the North Dakota Century Code is amended and reenacted as follows:

3. The director of ~~state~~ the parks and ~~outdoor~~ recreation sites ~~division~~ shall adopt rules to regulate use of all-terrain vehicles in state parks and other state-owned land ~~described in section 55-08-03~~ under the supervision of the director.

SECTION 14. AMENDMENT. Section 39-29-10 of the North Dakota Century Code is amended and reenacted as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the ~~state~~ parks and ~~outdoor~~ recreation ~~department~~ sites ~~division~~ and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

* SECTION 15. AMENDMENT. Subsection 2 of section 54-34-06 of the North Dakota Century Code is amended and reenacted as follows:

- * NOTE: Section 54-34-06 was repealed by section 48 of Senate Bill No. 2058, chapter 95.

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
 - a. Attract investors, investment capital, and new residents.
 - b. Foster and promote ~~tourism and~~ international trade.
 - c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 16. State parks and tourism policy. The parks and tourism department shall plan and coordinate government programs encouraging the full development and preservation of existing and future parks, outdoor recreation areas, nature preserves, and the promotion of tourism.

SECTION 17. Parks and tourism department - Directors. There is created a parks and tourism department to serve as the focal point in the state for activities related to parks and tourism. The department shall plan and coordinate programs for all governmental levels to fulfill the state parks and tourism policy. The department consists of two divisions: a parks and outdoor recreation sites division and a tourism division. The governor shall appoint a director of each division who shall serve at the will of the governor.

SECTION 18. Director of parks and outdoor recreation sites division - Powers - Penalty. The director of the parks and outdoor recreation sites division shall:

1. Manage all state parks, state campgrounds, state recreational areas or reserves and any other property under the control of the parks and tourism department, including site selection and planning, establishment of fees and charges, establishment of hours and seasons of operation, and regulation of the conduct of guests and visitors.
2. Appoint personnel necessary to carry out the duties and functions of the division, and fix their compensation within the limits of legislative appropriations.
3. Accept on behalf of the state, gifts or grants of property for the department.
4. Acquire by purchase, gift, or condemnation any real property or interest in real property in this state or an adjoining state if necessary for park purposes. However, condemnation proceedings may be instituted only upon approval by the emergency commission.
5. Lease, sell, or exchange real property under the department's control if necessary for the improved management of state parks, state campgrounds, and state recreational areas or reserves.
6. Administer all real property and interests in real property and personal property held for recreational purposes as an agent for

any state or federal agency or a political subdivision of the state.

7. Adopt rules relating to the protection, care, and use of state parks, state campgrounds, state recreational areas or reserves, and any other real or personal property administered by the director.
8. Sell, mortgage, transfer, or dispose of property under the control of the department as authorized by law.
9. Seek the advice of the superintendent of the state historical board on all matters relating to history, prehistory, and paleontology of the state parks. If additional assistance is needed or required, the superintendent shall coordinate the assistance.
10. Advise in advance and consult with the superintendent of the state historical board before undertaking any earthmoving operations or major constructions so that the director may be advised whether the earthmoving operations or constructions might endanger historical archaeological artifacts or the paleontological value of the area. The superintendent of the state historical board and the director shall jointly agree on the disposition of historical artifacts and archaeological material at state monuments and state parks.
11. In the director's discretion, designate any state park or state campground or an area within any state park or state campground as an area within which the use of alcoholic beverages is prohibited. Any person violating that designation is guilty of an infraction.

* SECTION 19. AMENDMENT. Section 55-08-02.1 of the North Dakota Century Code is amended and reenacted as follows:

55-08-02.1. Outdoor recreation interagency council - Composition - Functions. A state outdoor recreation interagency council ~~shall exist and shall~~ is created and must be composed of the state engineer of the water commission, commissioner of the state game and fish department, superintendent of the state historical board, ~~commissioner of the state highway~~ director of the department of transportation, executive secretary of the state soil conservation committee, ~~state parks and recreation director~~ the director of the parks and outdoor recreation sites division, chairman of the state water commission, state health officer, director of the economic development commission, state forester, and the commissioner of university and school lands. The governor or ~~his~~ the governor's designee ~~shall be~~ is council chairman.

The members of the council:

1. Shall deal with the distribution of state general fund appropriations ~~which that~~ are to be matched with federal outdoor recreation grants-in-aid at the state level. Each member ~~shall~~ have ~~has~~ one vote in such matters.
2. Shall meet periodically at the call of the chairman and shall keep minutes and other financial records dealing with ~~such~~ the meetings.
3. Shall cooperate with the United States or any appropriate agency thereof, particularly in connection with the distribution and use

* NOTE: Section 55-08-02.1 was also amended by section 94 of Senate Bill No. 2050, chapter 231, and by section 46 of Senate Bill No. 2058, chapter 95.

of federal aid funds ~~which~~ that the state may become eligible to receive.

4. Shall encourage cooperation among public, voluntary, and commercial agencies and organizations.
5. Subject to the approval of the governor, may adopt rules for the conduct of its affairs as may be deemed necessary, including the time, place, and notice of regular meetings, call and notice of special meetings, and number of members required for a quorum to transact business.

SECTION 20. AMENDMENT. Section 55-08-03.1 of the North Dakota Century Code is amended and reenacted as follows:

55-08-03.1. Recreation ~~division grants programs~~ - Function. The director, ~~without limiting the generality thereof, shall be vested with the power, authority, duty, and general jurisdiction to may:~~

1. Apply for and receive federal grants-in-aid for recreation purposes. ~~He shall~~ The director of the parks and outdoor recreation sites division may approve their allocation to political subdivisions of the state only after ~~he the director~~ has determined that sufficient funds, including those funds necessary for adequate maintenance, are and will be available from the political subdivisions for meeting the state's share of project costs. If for any reason it ~~shall become~~ is necessary for any department or agency of the state to expend state funds in order to fulfill any obligation of a political subdivision which it has agreed to perform in the construction or maintenance of such projects, the state ~~shall have~~ has a claim against the subdivision for ~~such the~~ money expended. ~~All funds allocated to the state for recreation purposes shall must~~ be distributed to the departments, agencies, or political subdivisions entitled ~~thereto~~ to the funds.
2. Keep financial and other records relating ~~thereto to the programs,~~ and furnish to appropriate officials and agencies of the United States and the state ~~of North Dakota~~ such reports and information as may be reasonably necessary to enable ~~such those~~ officials and agencies to perform their duties under ~~such the~~ programs.
3. Undertake the development of broad recreation policies for the state as a whole and a long range plan for their implementation.
4. Initiate a continuing appraisal of the total state recreation resources, potentials, and needs and the adequacy of current efforts to meet the demands.
5. Provide for the coordination and appraisal of related programs administered by all levels of government and by private enterprise.

* SECTION 21. AMENDMENT. Section 55-08-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07. State park and tourism fund - Appropriation. All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, with the exception of revenue from

* NOTE: Section 55-08-07 was also amended by section 2 of Senate Bill No. 2232, chapter 644.

bequests, trusts, or gifts, must be placed in the state park and tourism fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund must be maintained by the state treasurer as a special trust fund and is ~~hereby~~ irrevocably appropriated and must 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 must be credited to a special operating account, from which must be paid only the current, reasonable and necessary cost of operating ~~such that~~ 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 that~~ service. The director ~~shall may~~ incur no operating cost for any building, structure, or facility leased, and ~~such the~~ leases must provide for the payment of ~~such the~~ costs by the lessee and for the payment of a net rental in addition ~~thereto the costs~~. No ~~such~~ lease rentals and no motor vehicle permit fees may be credited to operating accounts.
2. To provide for the payment and security of the principal and interest when due on any state park and tourism revenue bonds issued ~~pursuant to~~ under section 55-08-08. For this purpose the treasurer shall credit to a special service account within the state park and tourism 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 the~~ bonds.
3. To finance the acquisition, construction, reconstruction, improvement, betterment, or extension of ~~park the department's~~ 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.~~ However, a disbursement may not 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 may 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 have been appropriated by the legislative assembly to the North Dakota parks and recreation tourism department; ~~provided, that no such.~~ A disbursement may not be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.

SECTION 22. AMENDMENT. Section 55-08-07.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07.1. State parks ~~and recreation and tourism~~ department concession revolving fund. The director shall maintain a state parks and tourism 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 established in the state parks and tourism concession revolving fund for the purpose provided in this section as a 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 and tourism operating fund.

* SECTION 23. AMENDMENT. Section 55-08-07.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07.2. State parks ~~and recreation department~~ tourism gift fund - Fund use. There is established in the state treasury a special fund designated as the state parks and tourism gift fund. All donations to the state parks and recreation tourism department in the form of gifts, trusts, and bequests of property or money, that would cause the department to exceed its appropriated spending authority and any interest accruing thereon, must be placed in the state parks and tourism gift fund and is hereby appropriated to the department. The fund may be used and disbursed by the state parks and recreation tourism department, with the approval of the state emergency commission, in accordance with the terms of the donation as determined by the director.

SECTION 24. AMENDMENT. Section 55-08-08 of the North Dakota Century Code is amended and reenacted as follows:

55-08-08. State park and tourism 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 subsection 2 of section 55-08-07, which may ~~from time to time~~, be authorized by the legislative assembly, the money may be borrowed on the credit of the revenues to be received in the state park and tourism fund. ~~Such~~ The borrowing ~~shall~~ must be authorized by a board consisting of the governor, the state treasurer, and the director of ~~state~~ the parks and outdoor recreation sites division, by resolution or resolutions duly adopted by the vote of a

* NOTE: Section 55-08-07.2 was also amended by section 1 of Senate Bill No. 2119, chapter 646.

majority of all members of ~~such~~ the board. In anticipation of the collections of ~~such~~ the revenues, negotiable bonds may be issued in ~~such~~ an amount as, in the opinion of the board, may be necessary for ~~such~~ that 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~~ the bonds and the rights of the holders ~~thereof~~ of the bonds 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 or 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, as may be provided by resolution or resolutions to be adopted by the board, subject to ~~the further provisions of~~ this section. The bonds may be sold in such manner and at such price or prices, not less than ninety-eight percent of par plus accrued interest to date of delivery, as may be considered by the board to be advisable. The bonds ~~shall~~ must have all of the qualities and incidents of negotiable paper, and ~~such~~ the bonds and the income ~~therefrom shall be from the bonds are~~ 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.

SECTION 25. AMENDMENT. Section 55-08-09 of the North Dakota Century Code is amended and reenacted as follows:

55-08-09. Revenue bond fund. ~~From and after~~ 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 and tourism revenue bond fund, which ~~shall~~ must be maintained in the state treasury until all bonds issued under section 55-08-08 and all interest ~~thereon are on the bonds is~~ fully paid and discharged. This fund ~~shall~~ must be disbursed by the state treasurer solely for the purpose of paying principal and interest when due on ~~said~~ the bonds, and the treasurer shall also maintain ~~therein in the fund,~~ by the transfer of revenues from the state ~~parks park and tourism~~ 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~~ the bonds within the then next ~~succeeding~~ period of twelve months. As principal and interest become due from time to time, the director of the office of management and budget, not less than fifteen days ~~prior to before~~ the payment dates, shall issue warrants upon the state treasurer against ~~said~~ the revenue bond fund for the amount of ~~such~~ the payment coming due, and the state treasurer shall make payments from ~~such~~ the fund of the amounts due.

SECTION 26. AMENDMENT. Section 55-08-10 of the North Dakota Century Code is amended and reenacted as follows:

55-08-10. Covenants of board. The board ~~is authorized and directed to~~ shall pledge irrevocably the revenues appropriated by section 55-08-07 to the state park and tourism 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 and tourism revenue bond fund as provided in section 55-08-09. ~~In order to~~ To secure the prompt payment of ~~such~~ the principal and interest and the proper application of the revenues pledged thereto, the board ~~is authorized~~ may 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~~ the 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~~ the revenues; and any other matters other than and in addition to those ~~herein~~ expressly mentioned in this section, 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~~ are enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

SECTION 27. AMENDMENT. Section 55-08-11 of the North Dakota Century Code is amended and reenacted as follows:

55-08-11. Limitation on use of bond proceeds. No buildings or additions ~~shall~~ may be erected, and no bonds ~~shall~~ may 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 permitted by the legislative assembly shall so provide, nor shall any.~~ No such project may be erected at a cost exceeding the amount fixed by the legislative assembly in such act or by the board if provided by the legislative assembly ~~shall so provide,~~ as the maximum to be expended ~~therefor for the project.~~ The proceeds of all bonds credited to the state parks park and tourism fund ~~shall~~ must be used solely for the purpose or purposes for which the bonds are authorized. The board ~~is empowered to~~ may 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 office of management and budget ~~is authorized and directed to~~ shall issue warrants upon the state treasury against ~~said~~ the fund for such amounts as ~~he may from time to time find to be~~ is due upon audited itemized estimates and claims ~~which that bear the approval of the officials designated by the board for such that purpose.~~ The state park and tourism fund and revenue bond fund may be deposited by the state treasurer with the Bank of North Dakota or in a bank ~~which that~~ is a duly designated depository for state funds, or may be invested under direction of the board in securities ~~which that~~ are direct obligations of the United States of America, except to the extent that ~~such the investment may be~~ is prohibited or restricted by any covenant made with or for the benefit of bondholders.

SECTION 28. AMENDMENT. Section 55-08-12 of the North Dakota Century Code is amended and reenacted as follows:

55-08-12. Contracts with federal agencies. The director of state the parks and outdoor recreation sites division 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.

SECTION 29. AMENDMENT. Section 55-08-13 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 30. AMENDMENT. Section 55-08-14.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-14.1. Leadership and facilities grants. The ~~North Dakota~~ parks and ~~recreation~~ tourism 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 must 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 must be used for a facilities grant program. This program shall must 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.

SECTION 31. AMENDMENT. Section 55-08-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-15. Attorney general, state's attorneys, sheriffs, and peace officers to enforce park and recreation laws chapter. The attorney general, and all state's attorneys, sheriffs, and other peace officers shall enforce this chapter.

SECTION 32. AMENDMENT. Section 55-10-04 of the North Dakota Century Code is amended and reenacted as follows:

55-10-04. State historic sites - Registry - State-owned lands administered by the ~~state~~ parks and ~~recreation~~ tourism department or state historical society. The land and water areas enumerated in this section are

hereby designated by law as state historic sites, and this section is a registry of state historic sites situated on property owned by the state and administered by the state parks and recreation tourism department, or state historical society:

1. Fort Rice, located near the town of Fort Rice in Morton County, and consists of seven acres [2.83 hectares].
2. Whitestone Hill battlefield, site of battle of Whitestone Hill, located in Whitestone Hill State Park in Dickey County, and consists of sixty-six acres [26.71 hectares].
3. Fort Abercrombie, located in Fort Abercrombie State Park in Richland County, and consists of twenty-one and ninety-five one-hundredths acres [8.88 hectares].
4. Fort Buford, located in Fort Buford State Park in Williams County, and consists of thirty-six and fifty-three one-hundredth acres [14.78 hectares].
5. Fort McKeen, located in Fort Abraham Lincoln State Park in Morton County.
6. Fort Abraham Lincoln, located in Fort Abraham Lincoln State Park in Morton County.
7. Slant Indian village, located in Fort Abraham Lincoln State Park in Morton County.

SECTION 33. AMENDMENT. Subsection 3 of section 55-11-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Department" means the **North Dakota** parks and recreation tourism department.

SECTION 34. AMENDMENT. Section 55-11-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-11-09. State parks and recreation department Department - Powers and duties - Penalty. In furtherance of the purposes of this chapter and in implementation of the powers and duties ~~elsewhere~~ provided in this chapter, the department ~~shall have~~ has 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 department.
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~~ is a nature preserve unless an estate, interest, or right therein is thereafter dedicated as a nature preserve under ~~the provisions of~~ this chapter.

5. To cooperate and contract with any agency, organization, or individual.
6. To accept, administer, and use for the purposes of this chapter, gifts, grants, devises, and bequests of money, securities, and other property, conditional or unconditional, but the department 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.~~
- ~~+2-~~ 12. To design and control the use of official state nature preserve signs and to recommend to the department of transportation locations for such signs.
- ~~+3-~~ 12. 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 department may deem advisable.
- ~~+4-~~ 13. To adopt and enforce suitable rules relating to the protection, care, and use of any state nature preserve or state-owned or state-managed natural area. The violation of any such rule constitutes an infraction.

SECTION 35. Tourism division.

1. There is established in the parks and tourism department a tourism division to foster and promote tourism to, and within, the state and the full development of the state's tourism resources, and to serve as a planning and coordinating agency for tourism-related programs of the state and the state's political subdivisions. All functions, powers, and duties of the tourism division of the

economic development commission are transferred to the parks and tourism department.

2. The director of the tourism division shall supervise and control the tourism division.

SECTION 36. Duties of director. The director of the tourism division, within the limits of legislative appropriations, shall:

1. Implement the state's tourism policy;
2. Prepare and update annually a tourism master plan for the development of tourism in the state which identifies the state's tourism resources, estimates the impact of tourism on the state's economy, and proposes a five-year plan for activities of the division;
3. Measure and forecast visitor volume, receipts, and related social and economic impacts;
4. Work with the private sector and local, state, and federal agencies to develop the state's tourism-related infrastructure, facilities, services, and attractions, including the state's highways and parks;
5. Organize and coordinate programs designed to promote tourism to, and within, the state through various means. Those means may include:
 - a. Display advertising in magazines and newspapers;
 - b. Advertising on radio and television or other advertising media;
 - c. Publishing pamphlets, brochures, and other graphic and pictorial materials; and
 - d. Aiding and assisting representatives of the media to ensure greater coverage of the state's visitor attractions;
6. Participate in travel shows;
7. Supervise and administer visitor information centers that receive funding from the state;
8. Develop opportunities for professional and technical education and training in the visitor industry;
9. Foster an understanding among the state's residents of the economic importance to the state of hospitality and tourism;
10. Cooperate with local, state, and federal agencies and organizations and the private sector for the promotion and development of tourism to, and within, the state;
11. Provide advice and technical assistance to local, public, and private tourism organizations in promoting and developing tourism; and

12. Monitor the policies and programs of state agencies that significantly affect the visitor industry, notify those agencies of the effects of their actions on travel to, and within the state, and if necessary recommend programs or policy changes to those agencies.

SECTION 37. AMENDMENT. Subsection 6 of section 57-39.2-28 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Notwithstanding the provisions of section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of the tourism division of the parks and tourism department.

SECTION 38. AMENDMENT. Section 61-29-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

61-29-04. Administration. This chapter must be administered by a Little Missouri River commission composed of the director of the ~~state~~ parks and outdoor recreation ~~department~~ sites division, the state health officer of the state department of health and consolidated laboratories, the chief engineer of the state water commission, or their designated representatives, and one member from each of the following counties: McKenzie, Billings, Slope, Golden Valley, Dunn, and Bowman. The commission members representing the above-mentioned counties must be appointed by their respective boards of county commissioners and shall serve without compensation except that each appointing board of county commissioners may reimburse its county representative for actual and necessary mileage to and from meetings of the commission at the same rate as state officers. The county representatives appointed must be resident landowners who live adjacent to the Little Missouri River with the exception of the Golden Valley county representative. A county representative unable to attend a meeting of the commission may be represented by a person who has a written proxy from the representative authorizing that person to act and vote for the representative. The proxy must be a resident landowner of the county that the proxy is representing, but need not live adjacent to the Little Missouri River. The county members shall serve terms of office as follows: two members shall serve one-year terms, two members shall serve two-year terms, and two members shall serve three-year terms.

* SECTION 39. AMENDMENT. Subsection 1 of section 61-33-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The board consists of the manager of the Garrison Diversion Conservancy District, the state engineer, the commissioner of university and school lands, the director of ~~state~~ parks and outdoor recreation sites division, the state game and fish commissioner, and the state health officer, or their representative.

SECTION 40. Parks and tourism department - Administrative rules. Rules adopted by the director of the state parks and recreation department or any other agency or department transferred to the parks and tourism department under this Act remain in effect until specifically amended or repealed.

* NOTE: Subsection 1 of section 61-33-09 was also amended by section 112 of Senate Bill No. 2050, chapter 231.

* SECTION 41. REPEAL. Sections 55-08-01 and 55-08-03 of the North Dakota Century Code, and sections 55-11-04 and 55-11-10 of the 1989 Supplement to the North Dakota Century Code are repealed.

Approved April 17, 1991

Filed April 18, 1991

* NOTE: Section 55-08-03 was amended by section 1 of House Bill No. 1151, chapter 643, and section 55-11-10 was amended by section 95 of Senate Bill No. 2050, chapter 231.

CHAPTER 641

HOUSE BILL NO. 1044
(Legislative Council)
(Interim Jobs Development Commission)

TOURISM POLICY

AN ACT to adopt a state tourism policy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. State tourism policy.

1. The legislative assembly declares that:

- a. This state is endowed with scenic beauty, historical sites, cultural resources, local festivals, attractions, recreational facilities, and a population whose ethnic diversity and traditions are attractive to visitors;
- b. These human and physical resources should be preserved and nurtured, not only because they are appreciated by other Americans and by visitors from other lands, but because they are valued by the state's residents;
- c. Tourism contributes to economic well-being by creating job opportunities, generating revenues for local businesses, and creating new wealth in the economy;
- d. Tourism is an educational and informational medium for personal growth which informs residents about their state's geography and history, their political institutions, their cultural resources, their environment, and about each other;
- e. Tourism instills state pride and a sense of common interest among the state's residents;
- f. Tourism enhances the quality of life and well-being of the state's residents by affording opportunities for recreation, new experiences, and relief from job stress;
- g. Tourism promotes international understanding and good will, and contributes to intercultural appreciation;
- h. Tourism engenders appreciation of the state's cultural, architectural, technological, agricultural, and industrial achievements;
- i. The development and promotion of tourism to and within the state is in the interest of the people of this state;

- j. Tourism should develop in an orderly manner in order to provide the maximum benefit to the state and its residents;
 - k. The development of a strong and competitive state visitor industry depends upon the availability of trained personnel, necessary infrastructure, and a receptive climate for tourism investment; and
 - l. A comprehensive tourism policy is essential if tourism in the state is to grow in an orderly manner.
2. It is the policy of the state to:
- a. Encourage the orderly growth and development of tourism to, and within, the state;
 - b. Promote the availability of public tourism training to increase the skills and productivity of the tourism labor force and to broaden access to employment opportunities and the visitor industry;
 - c. Encourage a healthy competitiveness in the visitor industry;
 - d. Promote the availability of reliable public highways and transport services between the state's principal tourism destinations and the main tourism generating markets;
 - e. Expand off-season tourism to the state and thereby increase the productivity of the accommodation sector and reduce seasonal layoffs within the visitor and visitor-related industries;
 - f. Promote a sense of history in the state's young people by encouraging family visits to state historic sites, and promoting the preservation and restoration of historic sites, trails, buildings, and districts;
 - g. Promote the mental, emotional, and physical well-being of the American people by encouraging outdoor recreational activities within the state;
 - h. Encourage the talents and strengthen the economic independence of the state's residents by encouraging the preservation of traditional craft skills, the production of handicrafts and native and folk art by private artisans and crafts people, and the holding of craft demonstrations;
 - i. Encourage an optimum of satisfaction and high quality service to visitors;
 - j. Promote a tourist environment that respects our visitors' rights as consumers;
 - k. Afford visitors and residents the best possible conditions of public sanitation;
 - l. Facilitate tourism to, and within, the state by developing an essential tourism infrastructure, providing investment

- incentives to tourism businesses, and encouraging city and county officials to plan for tourism needs and capitalize on local tourism resources;
- m. Promote a better understanding among the state's residents of the social and economic importance of tourism through appropriate formal and informal learning experiences about tourism, and foster among all citizens the capacity for courtesy to visitors;
 - n. Encourage the holding of conventions, trade shows, and expositions throughout the state;
 - o. Promote tourism in a manner that fosters visitors' understanding and respect for native and religious beliefs, customs, and ethnic traditions of the state's residents;
 - p. Monitor tourist impact on the basic human rights of the state's residents and ensure equal access by visitors and residents to public recreational resources;
 - q. Take measures to protect wildlife and natural resources in the preservation of geological, archaeological, and cultural treasures in tourist areas;
 - r. Encourage, assist, and coordinate when possible the tourism activities of local and area promotional organizations; and
 - s. Ensure that the tourism interest of the state is considered fully by state agencies and the legislative assembly in their deliberations; and harmonize to the maximum extent possible, all state activities in support of tourism with the needs of the general public, the political subdivisions of the state, and the visitor industry.

Approved March 27, 1991
Filed March 28, 1991

CHAPTER 642

SENATE BILL NO. 2459
(Senators Kelly, David, Mushik)
(Representatives Martinson, Jensen)

MOTION PICTURE DEVELOPMENT OFFICE

AN ACT to establish a North Dakota motion picture development office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. North Dakota motion picture development office - Advisory board. There is established within the department of tourism a North Dakota motion picture development office to promote North Dakota as a location for shooting films, television shows, documentaries, and commercials and to provide technical expertise to persons desiring to use the state as a filming location. The director of the department of tourism shall appoint staff necessary to fulfill the functions and duties of the office and shall also appoint an advisory board of no more than ten members to assist in advising the office from time to time and to provide technical expertise to offer prospective film companies seeking locations and advice. The board shall serve without compensation, except for reimbursement for actual and necessary expenses at the same rate as allowed other state officers, to be paid from funds available to the office within the limits of legislative appropriations.

Approved March 14, 1991
Filed March 15, 1991

CHAPTER 643

HOUSE BILL NO. 1151

(Committee on Political Subdivisions)

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

PARKS AND RECREATION LAND CONVEYANCE

AN ACT to amend and reenact subsection 7 of section 55-08-03 of the North Dakota Century Code, relating to the authority of the director to convey land owned by the state parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

7. The director may:

- a. Use any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same.
- b. Acquire by purchase, gift, or condemnation any additional lands or interests in lands required, including lands or interests in adjacent states if authorized by the laws thereof. Only land within or immediately adjacent to already existing state park land under the control of the director shall be subject to condemnation. Condemnation proceedings shall be instituted only upon express approval by the emergency commission. Condemnation may only be used to protect the integrity of state lands that are appropriate for park and recreation purposes.
- c. Subject to prior approval of the attorney general, lease or exchange such lands under the director's jurisdiction or control deemed necessary for the improved management of state parks, state campgrounds, state recreation areas or reserves.
- d. Subject to prior approval of the attorney general, impose such conditions or reservations to such leases or exchanges as the director may deem necessary.
- e. Accept gifts or grants of money or property from the United States or any other source.
- f. 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 laws.
- g. Act in behalf of the state as sponsor for any project undertaken or authorized by the United States.

* NOTE: Section 55-08-03 was repealed by section 41 of Senate Bill No. 2054, chapter 640.

- h. Make any sponsor's contribution required for any projects out of moneys appropriated or otherwise made available therefor.
- i. Cooperate with the United States or any adjacent state or any authorized agency of either in planning, acquiring, constructing, maintaining, and operating any project upon such terms and conditions as the director may deem proper, not inconsistent with the laws of this state.
- j. Subject to prior approval of the attorney general, convey lands or interest in land for recreational purposes to other state agencies and political subdivisions the director may deem necessary.

Approved March 27, 1991
Filed March 28, 1991

CHAPTER 644

SENATE BILL NO. 2232
(Committee on Natural Resources)
(At the request of the North Dakota Parks and
Recreation Department)

STATE PARK VEHICLE FEES RETENTION

AN ACT to amend and reenact sections 55-08-06 and 55-08-07 of the North Dakota Century Code, relating to permit fees for vehicles entering state parks; and to repeal section 55-08-06.1 of the North Dakota Century Code, relating to motor vehicle permits and fees collected by the state parks and recreation department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-06 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-06. Permits for motor vehicles. ~~No~~ Unless authorized by the director, no motor vehicle may enter or be permitted to enter any state park, state recreational area, or reserve unless the operator of such motor vehicle shall display upon request a permit issued as provided in this chapter; ~~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 must grant permission to use any state park, state recreational area, or reserve. Permits for each calendar year must be provided and placed on sale on or before November first next preceding, and used on or at any time after that date until May first of the year following the calendar year for which issued. Such permits in each category must be numbered consecutively for each year of issue. A maximum 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 three dollars per permit covering the use of state parks, state recreational areas, or reserves under such conditions as the director may prescribe for a designated period of not more than three days. The fees collected must be deposited in the state park operating fund in the state treasury, unless authorized by the director as follows:

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

* SECTION 2. AMENDMENT. Section 55-08-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted 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, and with the exceptions noted in subsections 1 and 2 of section 55-08-06, must be placed in the state park fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund must be maintained by the state treasurer as a special trust fund and is hereby irrevocably appropriated and must 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 must be credited to a special operating account, from which must 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 must 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 may 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 may be made in excess of the amounts of revenue bonds issued and other

* NOTE: Section 55-08-07 was also amended by section 21 of Senate Bill No. 2054, chapter 640.

funds granted or appropriated and received for this purpose, and no such disbursements may 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 have been appropriated by the legislative assembly to the North Dakota parks and recreation department; provided, that no such disbursement may be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.

SECTION 3. REPEAL. Section 55-08-06.1 of the North Dakota Century Code is repealed.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 645

SENATE BILL NO. 2057
(Legislative Council)
(Interim Jobs Development Commission)

SENIOR CITIZEN PARK PERMITS

AN ACT to amend and reenact section 55-08-06.2 of the North Dakota Century Code, relating to senior citizen entrance permits to state parks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 55-08-06.2 of the North Dakota Century Code is amended and reenacted as follows:

55-08-06.2. North Dakota senior citizens passport. The director shall establish procedures providing for the issuance of an annual entrance permit to be known as the "North Dakota senior citizens passport". ~~Such~~ The permit ~~shall~~ must be issued to any resident of North Dakota who is ~~sixty~~ sixty-five years of age or older and who ~~shall apply~~ applies for ~~such~~ a permit. ~~Such~~ The permit ~~shall be~~ is nontransferable, ~~shall be issued without charge, and shall entitle~~ entitles the bearer and any person accompanying the bearer in a single, private, noncommercial vehicle to entry into any state park, state recreation area, or reserve ~~without charge. No other free permits shall be issued to any person,~~ and must be issued for fifty percent of the regular permit fee. The provisions of this section ~~which that~~ provide a ~~waiver~~ reduction of fees ~~shall be~~ are effective notwithstanding any provisions to the contrary contained in this chapter.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 646

SENATE BILL NO. 2119

(Committee on Appropriations)

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

PARKS AND RECREATION GIFTS

AN ACT to amend and reenact section 55-08-07.2 of the North Dakota Century Code, relating to the use of the state parks and recreation department gift fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 55-08-07.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07.2. 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 valued at over one thousand dollars 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 April 2, 1991

Filed April 4, 1991

* NOTE: Section 55-08-07.2 was also amended by section 23 of Senate Bill No. 2054, chapter 640.

CHAPTER 647

HOUSE BILL NO. 1382
(Representatives G. Berg, Starke, Jacobson)
(Senators Langley, Meyer)

FORT TOTTEN HISTORIC SITE TRANSFER

AN ACT to authorize the state historical society to transfer the Fort Totten state historic site; to amend and reenact sections 54-01-09.1, 55-10-03, and 55-10-05 of the North Dakota Century Code, relating to the Fort Totten state historic site; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Transfer of Fort Totten state historic site authorized. The state historical society of North Dakota may transfer by deed and title that part of lot seven, section sixteen, township one hundred fifty-two north, range sixty-five west, fifth principal meridian, described as follows: beginning at a point 396.4 feet east of the southwest corner of section sixteen, then north two degrees twenty minutes east, a distance of 134.1 feet, then south eighty-seven degrees thirty-six minutes east, a distance of 652.7 feet, then south zero degrees nineteen minutes west, a distance of 106.5 feet to the south line of section sixteen, then west on the section line, a distance of 657.1 feet to the point of beginning, containing 1.81 acres, more or less, and that part of the northwest quarter of the northwest quarter, section twenty-one, township one hundred fifty-two north, range sixty-five west, fifth principal meridian, described as follows: beginning at a point 396.4 feet east of the northwest corner of section twenty-one, then east on the section line, a distance of 657.1 feet, then south zero degrees nineteen minutes west, a distance of 497.5 feet, then north eighty-seven degrees forty-eight minutes west, a distance of 679.7 feet, then north two degrees twenty minutes east, a distance of 469.0 feet to the point of beginning, containing 7.42 acres, more or less, to the national park service, department of the interior, with the understanding that it will further develop the site as a national historic site.

SECTION 2. AMENDMENT. Section 54-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

54-01-09.1. State offenses - Concurrent jurisdiction ceded to the United States. Concurrent jurisdiction is hereby ceded to the United States over offenses, as defined in section 12.1-01-04, when committed within the boundaries of the tracts of land designated as:

1. Theodore Roosevelt national park.
2. Fort Union trading post national historic site.
3. Knife River Indian villages national historic site.
4. Fort Totten national historic site.

SECTION 3. AMENDMENT. Section 55-10-03 of the North Dakota Century Code is amended and reenacted as follows:

55-10-03. State historic sites - Registry. The land and water areas enumerated in this section are hereby designated by law as state historic sites, and this section shall be is a registry of state historic sites situated on property owned by the state, its governmental subdivisions:

- 1- Camp Hancock in Burleigh County on main street opposite first street; Bismarck; and consists of ninety-two one-hundredths of an acre {3.723 square meters}.
- 2- Camp Grant; in Stutsman County; and consists of one acre {0.40 hectares} in section twenty-four; township one hundred forty-three; range sixty-nine.
- 3- Camp Kimball; in Foster County; and consists of thirteen one-hundredths of an acre {526.09 square meters} in section sixteen; township one hundred forty-five; range sixty-seven.
- 4- Camp Sheardown; in Barnes County; three miles {4.83 kilometers} southeast of Valley City; and consists of three one-hundredths of an acre {121.41 square meters} in section two; township one hundred thirty-nine; range fifty-eight.
- 5- Camp Weiser; in Barnes County; thirteen miles {20.92 kilometers} west of Enderlin; and consists of three one-hundredths of an acre {121.41 square meters} in section thirty-three; township one hundred thirty-seven; range fifty-seven.
- 6- Camp Gorning; in Barnes County; seven miles {11.27 kilometers} northeast of Bazey; and consists of thirty one-hundredths of an acre {1,214.06 square meters} in section eight; township one hundred forty-three; range fifty-eight.
- 7- Camp Whitney; in Kidder County; near Fappen; and consists of four acres {1.62 hectares} in section thirty-one; township one hundred forty-one; range seventy.
- 8- Bismarck-Deadwood stage trail; in Morton County; and consists of three one-hundredths of an acre {121.41 square meters} in section thirty-four; township one hundred thirty-five; range eighty-four.
- 9- Ghaska; in Burleigh County; three miles {4.83 kilometers} north of Briscoil; and consists of five one-hundredths of an acre {202.34 square meters} in section thirty-four; township one hundred forty; range seventy-five.
- 10- Gingras trading post; in Pembina County; north and east of Walhalla; and consists of seventy-six one-hundredths of an acre {3,075.61 square meters} in sections sixteen; seventeen; twenty; and twenty-one; township one hundred sixty-three; range fifty-six.
- 11- Lake Jessie; in Griggs County; and consists of twenty-nine one-hundredths of an acre {1,173.59 square meters} in section twenty-two; township one hundred forty-seven; range sixty.

12. Maple Creek crossing, in Cass County, near Chaffee, and consists of thirty-eight one-hundredths of an acre {1,537.8} square meters} in section thirty-six, township one hundred thirty-eight, range fifty-three.
13. Medicine Butte, in Grant County, south of Elgin, and consists of a dance ring two hundred feet {60.96 meters} in diameter in section thirty-one, township one hundred thirty-three, range eighty-eight.
14. David Thompson, in McHenry County, and consists of sixty-eight one-hundredths of an acre {2,751.86 square meters} in section thirty-one, township one hundred fifty-four, range seventy-eight.
15. Birch Creek campsite, in Barnes County, two miles {3.22 kilometers} east of Hastings, and consists of one acre {0.40 hectares} in section eighteen, township one hundred thirty-seven, range fifty-eight.
16. Buffalo Creek campsite, in Cass County, two miles {3.22 kilometers} west of Buffalo, and consists of twenty-five one-hundredths of an acre {1,011.71 square meters} in section twenty-two, township one hundred forty, range fifty-five.
17. Burman, in Kidder County, ten miles {16.09 kilometers} north of Fappen, and consists of one-hundredths of an acre {40.47 square meters} in section twenty-four, township one hundred forty-one, range seventy-one.
18. Camp Arnold, in Barnes County, four miles {6.44 kilometers} north of Oriska, and consists of ten one-hundredths of an acre {404.69 square meters} in section thirty-two, township one hundred forty-one, range fifty-six.
19. Camp Atchison, in Griggs County, near Valley City, and consists of forty one-hundredths of an acre {1,618.74 square meters} in section twenty-eight, township one hundred forty-seven, range sixty.
20. Camp Buell, in Sargent County, and consists of five acres {2.02 hectares} in section sixteen, township one hundred thirty-two, range fifty-four.
21. Sitting Bull, in Sioux County, and consists of five acres {2.02 hectares} in section twelve, township one hundred thirty, range eighty.
22. Steamboat Warehouse, in Burleigh County, and consists of three and twenty-one one-hundredths acres {1.30 hectares} in section thirty-one, township one hundred thirty-nine, range eighty.
23. Sully Corral, in Stark County, and consists of four and sixty-two one-hundredths acres {1.87 hectares} in section ten, township one hundred thirty-seven, range ninety-one.
24. Cannonball stage station, in Grant County, and consists of two and one-half acres {1.01 hectares} in section twenty-nine, township one hundred thirty-two, range eighty-six.

25. McPhails Butte, in Kidder County, seven miles {11.27 kilometers} north of Fappen, and consists of thirty-two one-hundredths of an acre {1.295.00 square meters} in section four, township one hundred forty, range seventy-one.
26. Writing Rock, in Divide County, and consists of ten acres {4.05 hectares} in section twelve, township one hundred sixty-one, range one hundred two.
27. Fort Ransom, in Ransom County near the town of Fort Ransom, and consists of six and forty-two one-hundredths acres {2.60 hectares} in section eleven, township one hundred thirty five, range fifty-eight.
28. Fort Mandan, in McBean County, four miles {6.44 kilometers} west of Washburn, and consists of thirty and forty-seven one-hundredths acres {12.33 hectares} in sections eleven and twelve, township one hundred forty-four, range eighty-four.
29. Fort Seward, in Stutsman County, in the city of Jamestown, and consists of three and fifty-six one-hundredths acres {1.44 hectares} in section twenty-six, township one hundred forty, range sixty-four.
30. Fort Dilts, in Bowman County, nine miles {14.48 kilometers} northwest of Rhame, and consists of eight and twenty-five one-hundredths acres {3.34 hectares} in section two, township one hundred thirty-two, range one hundred five.
31. Chaboillez trading post, in Pembina state park in Pembina County, and consists of three and one-half acres {1.42 hectares} in block B in Pembina.
32. Chateau de Mores, in Chateau de Mores state historic site in Billings County, and consists of one hundred twenty-eight and twenty-six one-hundredths acres {51.90 hectares} in section twenty-seven, township one hundred forty, range one hundred two.
33. de Mores packing plant site, in Chateau de Mores state historic site in Billings County.
34. Fort Fotten, twelve miles {19.31 kilometers} southwest of Devils Lake in Benson County, and consists of nine and twenty-three one-hundredths acres {3.74 hectares} in section sixteen, township one hundred fifty-two, range sixty-five.
35. Fort Clark trading post, located at Fort Clark state historic site in Mercer County, and consists of forty-six and ninety-three one-hundredths acres {18.99 hectares} in section thirty-six, township one hundred forty-four, range eighty-four.
36. Kittson trading post, located at Waihalla in Pembina County, and consists of five and eighty-eight one-hundredths acres {2.14 hectares} in section twenty-nine, township one hundred sixty-three, range fifty-six.

37. Growley flint quarry; located seventeen miles {27.36 kilometers} north of Hebron in Mercer County; and consists of two and thirty-five one-hundredths acres {0.95 hectares} in section one; township one hundred forty-two; range ninety.
38. Double Bitch Indian village; located twelve miles {19.31 kilometers} north of Bismarck in Burleigh County; and consists of thirty-seven acres {14.97 hectares} in sections twenty-one and twenty-two; township one hundred forty; range eighty.
39. Huff Indian village; located one mile {1.61 kilometers} south of Huff in Morton County; and consists of fourteen acres {5.67 hectares} in sections five and eight; township one hundred thirty-six; range seventy-nine.
40. Molander Indian village; located three miles {4.83 kilometers} north of Price in Oliver County; and consists of a twelve-acre {4.86 hectare} tract in section seventeen; township one hundred forty-two; range eighty-one.
41. Menoken Indian village; located one and one-half miles {2.41 kilometers} north of Menoken in Burleigh County; and consists of thirteen and seventy one-hundredths acres {5.54 hectares} in section twenty-two; township one hundred thirty-nine; range seventy-eight.
42. Hudson historic site; in Dickey County; four miles {6.44 kilometers} southwest of Oakes; and consists of one and one-half acres {0.61 hectares} in section six; township one hundred thirty; range fifty-nine.
43. Oak Lawn church site; in Pembina County; and consists of fifty-five one-hundredths of an acre {2,225.77 square meters} in section nineteen; township one hundred sixty-one; range fifty-six. It marks the site of the church built by Reverend Ransom Waite in 1886.
44. Palmer's spring; in Benson County near Esmond; and consists of two and eighty-three one-hundredths acres {1.15 hectares} in section fourteen; township one hundred fifty-one; range seventy-one.
45. Brenner crossing; in Eddy County; and consists of twenty-five one-hundredths of an acre {1,011.71 square meters} in section one; township one hundred forty-nine; range sixty-four.
46. Saint Claude; in Rolette County; and consists of forty acres {16.19 hectares} in section three; township one hundred sixty-three; range seventy.
47. Standing Rock; in Ransom County; and consists of one-hundredths of an acre {40.47 square meters}; more or less; in the southwest quarter of section six; township one hundred thirty-six; range fifty-seven.
48. Wadson site; in Barnes County; and consists of one acre {0.40 hectare} in section twenty-four; township one hundred thirty-seven; range fifty-eight.

49. Sweden, in Walsh County, and consists of one-hundredths of an acre [40.47 square meters], more or less, in section thirty-six, township one hundred fifty-eight, range fifty-four.
50. Lake Johnson, in Griggs County, and consists of four one-hundredths of an acre [161.87 square meters], more or less, in section twenty-three, township one hundred forty-five, range fifty-nine.
1. Birch Creek campsite, in Barnes County, two miles [3.22 kilometers] east of Hastings, which consists of one acre [0.40 hectare] in section eighteen, township one hundred thirty-seven, range fifty-eight.
 2. Bismarck-Deadwood stage trail, in Morton County, which consists of three one-hundredths of an acre [121.41 square meters] in section thirty-four, township one hundred thirty-five, range eighty-four.
 3. Brenner crossing, in Eddy County, which consists of twenty-five one-hundredths of an acre [1011.71 square meters] in section one, township one hundred forty-nine, range sixty-four.
 4. Buffalo Creek campsite, in Cass County, two miles [3.22 kilometers] west of Buffalo, which consists of twenty-five one-hundredths of an acre [1011.71 square meters] in section twenty-two, township one hundred forty, range fifty-five.
 5. Burman, in Kidder County, ten miles [16.09 kilometers] north of Tappen, which consists of one-hundredths of an acre [40.47 square meters] in section twenty-four, township one hundred forty-one, range seventy-one.
 6. Camp Arnold, in Barnes County, four miles [6.44 kilometers] north of Oriska, which consists of ten one-hundredths of an acre [404.69 square meters] in section thirty-two, township one hundred forty-one, range fifty-six.
 7. Camp Atchison, in Griggs County, near Valley City, which consists of forty one-hundredths of an acre [1618.74 square meters] in section twenty-eight, township one hundred forty-seven, range sixty.
 8. Camp Buell, in Sargent County, which consists of five acres [2.02 hectares] in section sixteen, township one hundred thirty-two, range fifty-four.
 9. Camp Corning, in Barnes County, seven miles [11.27 kilometers] northeast of Dazey, which consists of thirty one-hundredths of an acre [1214.06 square meters] in section eight, township one hundred forty-three, range fifty-eight.
 10. Camp Grant, in Stutsman County, which consists of one acre [0.40 hectare] in section twenty-four, township one hundred forty-three, range sixty-nine.
 11. Camp Hancock, in Burleigh County, on main avenue opposite first street, Bismarck, which consists of ninety-two one-hundredths of an acre [3723 square meters].

12. Camp Kimball, in Foster County, which consists of thirteen one-hundredths of an acre [526.09 square meters] in section sixteen, township one hundred forty-five, range sixty-seven.
13. Camp Sheardown, in Barnes County, three miles [4.83 kilometers] southeast of Valley City, which consists of three one-hundredths of an acre [121.41 square meters] in section two, township one hundred thirty-nine, range fifty-eight.
14. Camp Weiser, in Barnes County, thirteen miles [20.92 kilometers] west of Enderlin, which consists of three one-hundredths of an acre [121.41 square meters] in section thirty-three, township one hundred thirty-seven, range fifty-seven.
15. Camp Whitney, in Kidder County, near Tappen, which consists of four acres [1.62 hectares] in section thirty-one, township one hundred forty-one, range seventy.
16. Cannonball stage station, in Grant County, which consists of two and one-half acres [1.01 hectares] in section twenty-nine, township one hundred thirty-two, range eighty-six.
17. Chaboillez trading post, in Pembina County, in Pembina state park, which consists of three and one-half acres [1.42 hectares] in block B in Pembina.
18. Chaska, in Burleigh County, three miles [4.83 kilometers] north of Driscoll, which consists of five one-hundredths of an acre [202.34 square meters] in section thirty-four, township one hundred forty, range seventy-five.
19. Chateau de Mores, in Billings County, in Chateau de Mores state historic site, which consists of one hundred twenty-eight and twenty-six one-hundredths acres [51.90 hectares] in section twenty-seven, township one hundred forty, range one hundred two.
20. Crowley flint quarry, in Mercer County, seventeen miles [27.36 kilometers] north of Hebron, which consists of two and thirty-five one-hundredths acres [0.95 hectare] in section one, township one hundred forty-two, range ninety.
21. David Thompson, in McHenry County, which consists of sixty-eight one-hundredths of an acre [2751.86 square meters] in section thirty-one, township one hundred fifty-four, range seventy-eight.
22. de Mores packing plant site, in Billings County, in Chateau de Mores state historic site.
23. Double Ditch Indian village, in Burleigh County, twelve miles [19.31 kilometers] north of Bismarck, which consists of thirty-seven acres [14.97 hectares] in sections twenty-one and twenty-two, township one hundred forty, range eighty.
24. Fort Clark trading post, in Mercer County, at Fort Clark state historic site, which consists of forty-six and ninety-three one-hundredths acres [18.99 hectares] in section thirty-six, township one hundred forty-four, range eighty-four.

25. Fort Dilts, in Bowman County, nine miles [14.48 kilometers] northwest of Rhame, which consists of eight and twenty-five one-hundredths acres [3.34 hectares] in section two, township one hundred thirty-two, range one hundred five.
26. Fort Mandan, in McLean County, four miles [6.44 kilometers] west of Washburn, which consists of thirty and forty-seven one-hundredths acres [12.33 hectares] in sections eleven and twelve, township one hundred forty-four, range eighty-four.
27. Fort Ransom, in Ransom County, near the town of Fort Ransom, which consists of six and forty-two one-hundredths acres [2.60 hectares] in section eleven, township one hundred thirty-five, range fifty-eight.
28. Fort Seward, in Stutsman County, in Jamestown, which consists of three and fifty-six one-hundredths acres [1.44 hectares] in section twenty-six, township one hundred forty, range sixty-four.
29. Gingras trading post, in Pembina County, north and east of Walhalla, which consists of seventy-six one-hundredths of an acre [3075.61 square meters] in sections sixteen, seventeen, twenty, and twenty-one, township one hundred sixty-three, range fifty-six.
30. Hudson historic site, in Dickey County, four miles [6.44 kilometers] southwest of Oakes, which consists of one and one-half acres [0.61 hectare] in section six, township one hundred thirty, range fifty-nine.
31. Huff Indian village, in Morton County, one mile [1.61 kilometers] south of Huff, which consists of fourteen acres [5.67 hectares] in sections five and eight, township one hundred thirty-six, range seventy-nine.
32. Kittson trading post, in Pembina County, at Walhalla, which consists of five and eighty-eight one-hundredths acres [2.14 hectares] in section twenty-nine, township one hundred sixty-three, range fifty-six.
33. Lake Jessie, in Griggs County, which consists of twenty-nine one-hundredths of an acre [1173.59 square meters] in section twenty-two, township one hundred forty-seven, range sixty.
34. Lake Johnson, in Griggs County, which consists of four one-hundredths of an acre [161.87 square meters], more or less, in section twenty-three, township one hundred forty-five, range fifty-nine.
35. Maple Creek crossing, in Cass County, near Chaffee, which consists of thirty-eight one-hundredths of an acre [1537.81 square meters] in section thirty-six, township one hundred thirty-eight, range fifty-three.
36. McPhails Butte, in Kidder County, seven miles [11.27 kilometers] north of Tappen, which consists of thirty-two one-hundredths of an acre [1295.00 square meters] in section four, township one hundred forty, range seventy-one.

37. Medicine Butte, in Grant County, south of Elgin, which consists of a dance ring two hundred feet [60.96 meters] in diameter in section thirty-one, township one hundred thirty-three, range eighty-eight.
38. Menoken Indian village, in Burleigh County, one and one-half miles [2.41 kilometers] north of Menoken, which consists of thirteen and seventy one-hundredths acres [5.54 hectares] in section twenty-two, township one hundred thirty-nine, range seventy-eight.
39. Molander Indian village, in Oliver County, three miles [4.83 kilometers] north of Price, which consists of a twelve-acre [4.86-hectare] tract in section seventeen, township one hundred forty-two, range eighty-one.
40. Oak Lawn church site, in Pembina County, which consists of fifty-five one-hundredths of an acre [2225.77 square meters] in section nineteen, township one hundred sixty-one, range fifty-six.
41. Palmer's spring, in Benson County, near Esmond, which consists of two and eighty-three one-hundredths acres [1.15 hectares] in section fourteen, township one hundred fifty-one, range seventy-one.
42. Saint Claude, in Rolette County, which consists of forty acres [16.19 hectares] in section three, township one hundred sixty-three, range seventy.
43. Sitting Bull, in Sioux County, which consists of five acres [2.02 hectares] in section twelve, township one hundred thirty, range eighty.
44. Standing Rock, in Ransom County, which consists of one-hundredths of an acre [40.47 square meters], more or less, in the southwest quarter of section six, township one hundred thirty-six, range fifty-seven.
45. Steamboat Warehouse, in Burleigh County, which consists of three and twenty-one one-hundredths acres [1.30 hectares] in section thirty-one, township one hundred thirty-nine, range eighty.
46. Sully Corral, in Stark County, which consists of four and sixty-two one-hundredths acres [1.87 hectares] in section ten, township one hundred thirty-seven, range ninety-one.
47. Sweden, in Walsh County, which consists of one-hundredths of an acre [40.47 square meters], more or less, in section thirty-six, township one hundred fifty-eight, range fifty-four.
48. Wadson site, in Barnes County, which consists of one acre [0.40 hectare] in section twenty-four, township one hundred thirty-seven, range fifty-eight.
49. Writing Rock, in Divide County, which consists of ten acres [4.05 hectares] in section twelve, township one hundred sixty-one, range one hundred two.

SECTION 4. AMENDMENT. Section 55-10-05 of the North Dakota Century Code is amended and reenacted as follows:

55-10-05. State historic sites - Registry - Federally owned lands. The land and water areas enumerated in this section are hereby designated by law as state historic sites and this section ~~shall be~~ is a registry of state historic sites situated on property owned by the United States government:

1. Theodore Roosevelt Maltese Cross cabin in Billings County, located within the boundaries of Theodore Roosevelt National Memorial Park.
2. Theodore Roosevelt Elkhorn ranch in Billings County, located within the boundaries of Theodore Roosevelt National Memorial Park.
3. The site of Fort Union in Williams County, located within the boundaries of Fort Union trading post.
4. The site of Fort Totten in Benson County, located within the boundaries of Fort Totten national historic site.

SECTION 5. EFFECTIVE DATE. This Act becomes effective on the date the governor certifies to the secretary of state and to the state historical board that the Congress of the United States has enacted legislation accepting the transfer of the Fort Totten state historic site to the United States for inclusion in the national park system as a national historic site. The secretary of state shall forward a copy of the governor's certification to the legislative council, with a notation indicating the effective date of this Act.

Approved March 27, 1991
Filed March 28, 1991