

TITLE 55
STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 55-01
STATE HISTORICAL SOCIETY

55-01-00.1. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Artifact" means an item that is produced, shaped, used, or selected by humans.
2. "Board" means the state historical board.
3. "Collections" means artifacts or documents acquired and preserved because of the potential value of the artifacts or documents as examples, reference material, or objects of aesthetic or educational importance.
4. "Director" means the chief executive and administrative officer of the state historical society.
5. "Society" means the state historical society of North Dakota.

55-01-01. State historical board.

The board consists of twelve members, seven of whom are appointed by the governor. Each member appointed to the board must be a citizen and resident of the state. Appointments are for a term of three years from the first day of July to the thirtieth day of June of the third year or until a successor has been appointed and qualified. Vacancies occurring other than by the expiration of an appointive term must be filled by appointment for the remainder of the term only in the same manner as regular appointments. The remaining five members of the board are the secretary of state, director of the parks and recreation department, director of the department of transportation, commissioner of commerce, and state treasurer, each of whom may appoint a designee to attend meetings with full voting privileges. The board shall select from its membership a president, vice president, and secretary to serve as officers of the board.

55-01-01.1. State historical society.

The state historical society of North Dakota is created as an agency of the executive branch which is under the supervision and control of the board.

55-01-02. State historical board - Powers - Limitations.

The board may:

1. Faithfully expend and apply all money received from the state to the uses and purposes directed by law.
2. Hold all present and future historical collections and property of the society for the state.
3. Dispose of or transfer any articles in the collections it deems appropriate. However, the board may not make any disposal or transfer before hearing an assessment of any proposed disposal or transfer by the director of the state historical society. Disposal or transfer is to be by any appropriate means, including sale or exchange. The proceeds from the sale of articles must be deposited in the state treasury in a special revolving fund. All moneys in the fund are appropriated on a continuing basis for the purchase and care of other items for the collections. Unless other conditions are specified in a deed or gift, a reasonable attempt must be made to return articles to the original donor before disposal by any other means.
4. Permit withdrawal from its collections and property of any articles needed for exhibition purposes under rules prescribed by the board.
5. Permit the withdrawal of books and collections from the library and museum temporarily under rules prescribed by the board.
6. Select and appoint a director to carry out the policies and directives of the board.
7. Acquire in behalf of the state of North Dakota lands, materials, and easements for historical purposes by lease, purchase, or gift.

8. Set aside for historical purposes all lands owned by the state and not held or acquired for some other purpose.
9. Administer all lands, materials, and easements held for historical purposes as trustees for the state.
10. Administer all lands, materials, and easements held for historical purposes as an agent of the national park service, bureau of reclamation, corps of engineers, or any other division of federal, state, or local government.
11. Establish standards by the adoption of rules to create classes of membership in the society, to determine the qualifications of any class of membership, to set forth the fees for membership, and to provide for membership benefits.
12. Formulate and execute projects to preserve and enhance sites of historical importance in the Yellowstone-Missouri Rivers confluence area with funding from legislative appropriations, public grants, and private grants.

The board may not sell, mortgage, transfer, or dispose of any of its collections or property except as authorized by law.

55-01-02.1. Society to have jurisdiction over heritage center.

The society has jurisdiction over the administration and operations of the North Dakota heritage center building. The director of the office of management and budget is responsible for maintenance of the heritage center building. The society shall maintain the collections displayed and stored at the heritage center and shall provide, or arrange, for the security of those collections. The society shall establish a policy that authorizes the consumption of alcoholic beverages, including distilled spirits as defined in section 5-01-01, at the heritage center during an event that is open only to invited guests and if the alcoholic beverages are dispensed by a qualified alcoholic beverage licensee.

55-01-03. Meetings - When held - Quorum - Compensation and expenses of members.

The board shall meet at the call of the president not less than every three months and seven members constitute a quorum. The members of the board not appointed by the governor may receive no additional compensation for service upon the board but must be paid their expenses when engaged in the discharge of their official duties as members of the board, in the same manner and amounts as other state officers are paid, from funds appropriated to the society.

55-01-04. Acceptance of gifts, grants, devises, bequests, donations, and assignments - Deposited with the state treasurer - How expended.

The society may only receive and accept any grant, devise, bequest, donation, gift, or assignment of money, bonds, choses in action, or any property for any purpose consistent with the statutory responsibilities of the society. The society must receive and accept the same, and the right and title thereto, in the name of the state. All moneys coming into the hands of the society as donations, gifts, grants, and bequests, unless by the terms of the donation, gift, grant, or bequest the moneys are required to be maintained in another manner, must be maintained within the state treasury. All rent, interest, or income from land, money, or property received by the society by donation, gift, grant, or bequest must also be maintained within the state treasury unless by the terms of acquisition the moneys are required to be maintained in a different manner. The moneys must be paid out for the purposes prescribed by the donor as authorized by the board by warrant-check prepared by the office of management and budget.

55-01-05. Land acquired for historical purposes - Title - Placed in custody of county historical societies.

When land is contributed or purchased for historical purposes, the title must vest in the state of North Dakota. The land may be placed in the custody of the county historical societies of the respective counties in which the sites are located and may be improved and used for the accumulation and care of relics of historical interest. When it appears that the use and purpose of the land is a matter of primarily local or regional interest, the state historical society may,

upon such terms, conditions, and consideration as the state historical board may require, transfer and convey the land to a political subdivision or nonprofit corporation where the interest lay.

55-01-06. Historical collections - Loan to county historical societies - Preservation.

When historical collections or materials are contributed or purchased by the state, they must be placed in the custody of the society, and those of a local historical nature may be loaned to the county historical societies when proper provision has been made for their care and preservation and when the county historical society is duly organized and affiliated as provided in section 11-11-53.

55-01-07. Claims incurred by society - How paid.

All bills or claims against the state, arising by reason of expenditures authorized by the society for the purposes provided by law, must be submitted on vouchers to the office of the budget for approval and paid by warrant-check prepared by the office of management and budget.

55-01-08. Appropriation for maintenance of Roosevelt cabin - Authorization to transfer cabin to national park service.

Repealed by S.L. 2001, ch. 503, § 57.

55-01-09. North Dakota heritage study committee - Display area.

Repealed by S.L. 1979, ch. 93, § 1; 1979, ch. 550, § 15.

55-01-10. Exchange of lands with other divisions of state government.

Upon authorization by the board, the society may transfer and convey certain lands held by the society to another agency of the state in exchange for lands held by the other agency, and the other agency may make the necessary conveyance to transfer and convey lands held by it to the society to effect the exchange. The transfers may be made at any time the board and another agency deem an exchange to be mutually advantageous.

55-01-11. State historical society responsible for the Camp Hancock museum.

The society shall maintain, supervise, and promote the Camp Hancock museum in the city of Bismarck.

55-01-12. Criminal history record checks.

The state historical society may require any volunteer or final applicant for employment to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.

50-01-13. America 250 commission.

1. The America 250 commission within the state historical society is comprised of members appointed under this subsection. The head of each of the following departments and entities shall select one member to represent the department or entity, and the state historical society may invite other persons to join the America 250 commission or select representatives to join the commission:
 - a. State historical society;
 - b. Department of veterans' affairs;
 - c. Department of public instruction;
 - d. Indian affairs commission;
 - e. State library;
 - f. North Dakota council on the arts;
 - g. North Dakota humanities council;
 - h. North Dakota state society daughters of the American revolution;
 - i. North Dakota tourism division of the department of commerce;

- j. Parks and recreation department;
 - k. Office of the governor;
 - l. Office of each United States senator representing North Dakota; and
 - m. Office of the United States representative representing North Dakota.
2. The representative of the state historical society shall serve as the chairman of the commission, and the state historical society shall provide staff support for the commission.

55-01-14. Powers and duties of the commission - Continuing appropriation.

1. The America 250 commission has exclusive authority to represent this state in official dealings with the America 250 foundation and the United States semiquincentennial commission.
2. The commission may accept gifts, grants, and donations from public and nonpublic sources and may expend or invest any funds the commission receives. Any funds accepted by the commission are appropriated to the state historical society on a continuing basis for the purpose of supporting the commission's lawful activities.
3. The commission may coordinate and engage in semiquincentennial initiatives proposed or undertaken by any public or nonpublic person and may initiate or propose semiquincentennial activities in or for this state.
4. The commission shall:
 - a. Develop and promote plans for statewide recognition of the two hundred fifty years since America's founding;
 - b. Identify statewide and local community partners to provide local opportunities for public discussion regarding the founding of our nation and the subsequent two hundred fifty years; and
 - c. Identify prominent locations to display a replica of the liberty bell.

55-01-15. State historical society responsible for the Lewis and Clark interpretive center.

The society shall display, maintain, and protect the Lewis and Clark artifacts included in the transfer of the Lewis and Clark interpretive center from the parks and recreation department to the society at the Lewis and Clark interpretive center. A climate-controlled environment must be maintained to protect the artifacts as necessary.