

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2108
(State and Local Government Committee)
(At the request of the Parks and Recreation Department)

AN ACT to amend and reenact section 55-08-05, subsections 3 and 4 of section 55-08-06, and subsection 1 of section 55-08-07 of the North Dakota Century Code, relating to motor vehicle permit fees; and to repeal section 55-08-14.1 of the North Dakota Century Code, relating to leadership and facility grants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

55-08-05. Charges for services.

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

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for the space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. ~~Charge a fee for entrance to any pageant grounds created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.~~
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
- ~~5.4.~~ Provide facilities and allow for the sale to the public of food, nonintoxicating beverages, beer and wine as provided in subsection 6, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the use of food vendors or the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of

each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.

- ~~6-5.~~ Allow the sale of beer and wine by operating concessionaires on property under the management of the director, if the concessionaire holds the appropriate local and state retail licenses or an event permit required or authorized by chapter 5-02.
- ~~7-6.~~ Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects as established under section 55-08-06.
- 8. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory database.
- ~~9-7.~~ Allow the sale of advertising in parks and recreation publications. The director may make rules regarding advertisement contracts and charges, space availability, and content.

SECTION 2. AMENDMENT. Subsection 3 of section 55-08-06 of the North Dakota Century Code is amended and reenacted as follows:

- 3. ~~A fee of~~ A permit fee must be established by the director each year before being placed on sale as prescribed by subsection 1:
 - a. ~~Thirty five dollars must be charged for the first annual permit issued to a permit holder under subsection 2, except:~~
 - ~~(1)~~ Permits of appropriate special design may be sold individually at a maximum of seven dollars per permit covering the use of state parks, state recreational areas, or reserves under such conditions as the director may prescribe fee established by the director and for a designated period of not more than three days; and
 - ~~(2)~~ b. The director may authorize a discount on the sale of annual permits to any resident of North Dakota who is sixty-five years of age or older and who applies for a discount.
 - ~~b-c.~~ Twenty dollars ~~Unless a discount, lower fee, or package fee has been applied, a discount of twenty-five percent~~ must be charged for a second annual permit issued to a permit holder under subsection 2, which only may be used by members of the permit holder's household, except the director may authorize a discount on the sale of a second or subsequent annual permit to any resident of North Dakota who is sixty-five years of age or older and who applies for a discount.

SECTION 3. AMENDMENT. Subsection 4 of section 55-08-06 of the North Dakota Century Code is amended and reenacted as follows:

- 4. The fees collected must be deposited in the state park operating fund in the state treasury, unless authorized by the director as follows:
 - a. The director may allow other agencies or organizations that have leased state parks, state recreational areas, reserves, or facilities to retain entrance and special permit fees collected by the lessee.
 - b. 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 may be made after state park revenue bonds are issued and while the bonds are outstanding.~~

SECTION 4. AMENDMENT. Subsection 1 of section 55-08-07 of the North Dakota Century Code is amended and reenacted as follows:

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 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 that service. The director may incur no operating cost for any building, structure, or facility leased, and the leases must provide for the payment of the costs by the lessee and for the payment of a net rental in addition to the costs. ~~No lease rentals and no motor vehicle permit fees may be credited to operating accounts.~~

SECTION 5. REPEAL. Section 55-08-14.1 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2108.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State