

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2018**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state historical
2 society; to amend and reenact sections 55-03-01 and 55-03-01.1 of the North Dakota Century
3 Code, relating to permit fees; to provide an exemption; to provide a statement of legislative
4 intent; and to provide for a legislative management study.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the state historical society for the purpose of defraying the expenses of the
10 state historical society, for the biennium beginning July 1, 2023, and ending June 30, 2025, as
11 follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$15,791,624	\$722,870	\$16,514,494
15 Operating expenses	4,473,663	122,168	4,595,831
16 Capital assets	1,251,015	24,163,413	25,414,428
17 Grants	600,000	1,203,340	1,803,340
18 Cultural heritage grants	500,000	0	500,000
19 America's 250th celebration	0	250,000	250,000
20 Exhibits	<u>0</u>	<u>300,000</u>	<u>300,000</u>
21 Total all funds	\$22,616,302	\$26,761,791	\$49,378,093
22 Less estimated income	<u>3,229,952</u>	<u>24,109,231</u>	<u>27,339,183</u>
23 Total general fund	\$19,386,350	\$2,652,560	\$22,038,910
24 Full-time equivalent positions	78.75	4.75	83.50

1 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
2 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
3 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
4 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
6	Historical site and extraordinary repairs	\$4,200,000	\$3,250,000
7	Essential infrastructure at historic sites	950,000	0
8	State archives digital repository upgrade	25,000	0
9	Inflationary costs	0	120,795
10	Digital interactive initiative	0	425,000
11	Geographic information system remote access and upgrade	0	250,000
12	Medora site planning	0	150,000
13	Army corps of engineers grant	0	400,000
14	Opera house restoration	0	250,000
15	Whitestone Hill monument	0	250,000
16	Digital humanities advancement grant	0	30,000
17	Scanner and microfilm plotter	0	236,044
18	Exhibit engagement	0	375,000
19	Paul Bruhn historical revitalization grant	0	750,000
20	Underrepresented community grant	0	125,000
21	America's 250th celebration	0	250,000
22	Military museum	0	<u>20,000,000</u>
23	Total all funds	\$5,175,000	\$26,861,839
24	Total special funds	<u>5,150,000</u>	<u>24,955,000</u>
25	Total general fund	\$25,000	\$1,906,839

26 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
27 for the 2025-27 biennium. The state historical society shall report to the appropriations
28 committees of the sixty-ninth legislative assembly on the use of this one-time funding for the
29 biennium beginning July 1, 2023, and ending June 30, 2025.

30 **SECTION 3. REVOLVING FUND - APPROPRIATION.** All fees collected by the state
31 historical society and deposited in the revolving fund established pursuant to section 55-03-04

1 are appropriated to the state historical society for the purposes provided in chapter 55-03, for
2 the biennium beginning July 1, 2023, and ending June 30, 2025.

3 **SECTION 4. GIFTS, GRANTS, AND BEQUESTS - APPROPRIATION.** All gifts, grants,
4 devises, bequests, donations, and assignments received by the state historical society and
5 deposited with the state treasurer pursuant to section 55-01-04 are appropriated to the state
6 historical society for the purposes provided in section 55-01-04, for the biennium beginning
7 July 1, 2023, and ending June 30, 2025.

8 **SECTION 5. BANK OF NORTH DAKOTA - LINE OF CREDIT - MILITARY MUSEUM -**
9 **LEGISLATIVE INTENT.** The Bank of North Dakota shall extend a line of credit to the state
10 historical society to provide funding to pay costs associated with the construction of a North
11 Dakota military museum and related expansion projects for the state historical society. The line
12 of credit may not exceed \$20,000,000, and the interest rate associated with the line of credit
13 must be the prevailing rate charged to North Dakota government entities. It is the intent of the
14 sixty-eighth legislative assembly that the state historical society request funding from the sixty-
15 ninth legislative assembly from the legacy earnings fund to repay the line of credit.

16 **SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**
17 **FUND - STATE HISTORICAL SOCIETY.** The estimated income line item in section 1 of this Act
18 includes \$3,550,000 from the strategic investment and improvements fund, of which \$3,250,000
19 is for critical repairs to historic site structures and \$300,000 is for creating new and repairing
20 existing exhibits.

21 **SECTION 7. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**
22 The estimated income line item in section 1 of this Act includes \$100,000 of grant funding from
23 the department of transportation for the purpose of defraying expenses of the Lewis and Clark
24 interpretive center.

25 **SECTION 8. AMENDMENT.** Section 55-03-01 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **55-03-01. Permit required to investigate, evaluate, or mitigate adverse effect on**
28 **cultural resources, historic buildings, structures, or objects - Application - Fee.**

29 Any person engaged in identifying, evaluating, or mitigating adverse effects on cultural
30 resources, historic buildings, structures, or objects on any lands in North Dakota, under
31 ~~section 106 of the National Historic Preservation Act of 1966 [Pub. L. 89-665; 80 Stat. 915;~~

1 ~~16 U.S.C. 470, as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, and Pub. L.~~
2 ~~94-458], 36 CFR 800; or subdivision u of subsection 1 of section 38-14.1-14~~any applicable state
3 law, shall obtain an annual permit from the director of the state historical society. The permit
4 application must be in the form prescribed by the director. Each application must be
5 accompanied by a filing fee ~~of one hundred dollars~~as determined by the director. The director
6 may waive the fee requirement if the applicant is an instrumentality of the state. Following
7 issuance of the annual permit, the permittee shall submit to the state historical society payment
8 in the amount ~~of fifty dollars~~determined by the director with every cultural resources
9 identification, monitoring report, evaluation, and mitigation report submitted to the director in
10 compliance with the federal and state statutory and regulatory requirements identified in this
11 section. A permittee submitting a report on behalf of a nonprofit corporation formed under
12 chapter 10-33 does not have to pay the fee for filing the report.

13 **SECTION 9. AMENDMENT.** Section 55-03-01.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **55-03-01.1. Permit required to investigate, excavate, or otherwise record cultural**
16 **resources on land owned by an instrumentality of the state and to excavate cultural**
17 **resources on private land.**

18 Any person engaged in the investigation, excavation, or other recording of cultural
19 resources on land owned by an instrumentality of the state or in the excavation of cultural
20 resources on private land for any purposes other than those identified in section 55-03-01 first
21 shall obtain a permit from the director. A permit may be granted only for the investigation,
22 excavation, or other recording of cultural resources at the locations described in the application
23 for permit. Each application must be accompanied by a fee ~~of one hundred dollars~~as
24 determined by the director, unless the director waives the fee.

25 **SECTION 10. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section
26 54-44.1-11 does not apply to the appropriation in section 5 of chapter 18 of the 2021 Session
27 Laws as amended by section 2 of chapter 548 of the 2021 Special Session Session Laws, and
28 any unexpended funds from this appropriation may be continued and used for the purpose of
29 deferred maintenance and extraordinary repair projects during the biennium beginning July 1,
30 2023, and ending June 30, 2025.

1 **SECTION 11. LEGISLATIVE MANAGEMENT STUDY - RECORDS RETENTION.** During
2 the 2023-24 interim, the legislative management shall consider studying the records
3 management programs of state agencies and institutions related to records deemed historic in
4 value. The study must include a review of state agencies' and institutions' compliance with the
5 records management programs. The legislative management shall report its findings and
6 recommendations, together with any legislation required to implement the recommendations, to
7 the sixty-ninth legislative assembly.