

**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; and to provide for a legislative  
4 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>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12			
13			
14	<del>Salaries and wages</del>	<del>\$15,791,624</del>	<del>\$18,082,886</del>
15	<del>Operating expenses</del>	<del>4,473,663</del>	<del>6,425,831</del>
16	<del>Capital assets</del>	<del>1,251,015</del>	<del>8,385,928</del>
17	<del>Grants</del>	<del>600,000</del>	<del>1,803,340</del>
18	<del>Cultural heritage grants</del>	<del>500,000</del>	<del>500,000</del>
19	<del>America's 250th celebration</del>	<del>0</del>	<del>1,000,000</del>
20	<del>Exhibits</del>	<del>0</del>	<del>595,000</del>
21	<del>Total all funds</del>	<del>\$22,616,302</del>	<del>\$36,792,985</del>
22	<del>Less estimated income</del>	<del>3,229,952</del>	<del>13,584,872</del>
23	<del>Total general fund</del>	<del>\$19,386,350</del>	<del>\$23,208,113</del>
24	<del>Full-time equivalent positions</del>	<del>78.75</del>	<del>83.50</del>

	Adjustments or		
	Base Level	Enhancements	Appropriation
Salaries and wages	\$15,791,624	\$1,757,194	\$17,548,818
Operating expenses	4,473,663	(512,832)	3,960,831
Capital assets	1,251,015	4,883,413	6,134,428
Grants	600,000	1,203,340	1,803,340
Cultural heritage grants	500,000	0	500,000
America's 250th celebration	0	750,000	750,000
Exhibits	0	595,000	595,000
Total all funds	\$22,616,302	\$8,676,115	\$31,292,417
Less estimated income	3,229,952	6,073,389	9,303,341
Total general fund	\$19,386,350	\$2,602,726	\$21,989,076
Full-time equivalent positions	78.75	3.25	82.00

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

One-Time Funding Description	2021-23	2023-25
<del>Historical site and extraordinary repairs</del>	<del>\$4,200,000</del>	<del>\$0</del>
<del>Essential infrastructure at historic sites</del>	<del>950,000</del>	<del>0</del>
<del>State archives digital repository upgrade</del>	<del>25,000</del>	<del>0</del>
<del>Total all funds</del>	<del>\$5,175,000</del>	<del>\$0</del>
<del>Total special funds</del>	<del>5,150,000</del>	<del>0</del>
<del>Total general funds</del>	<del>\$25,000</del>	<del>\$0</del>
Historical site and extraordinary repairs	\$4,200,000	\$4,500,000
Essential infrastructure at historic sites	950,000	0
State archives digital repository upgrade	25,000	0
Inflationary costs	0	120,795
Geographic information system remote access and upgrade	0	250,000
Medora site planning	0	150,000
Digital humanities advancement grant	0	30,000

1	<u>Scanner and microfilm plotter</u>	0	236,044
2	<u>Exhibit engagement</u>	0	670,000
3	<u>Paul Bruhn historical revitalization grant</u>	0	750,000
4	<u>Underrepresented community grant</u>	0	125,000
5	<u>America's 250th celebration</u>	0	750,000
6	<u>Total all funds</u>	\$5,175,000	\$7,581,839
7	<u>Total special funds</u>	5,150,000	6,100,000
8	<u>Total general fund</u>	\$25,000	\$1,481,839

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

13 **SECTION 3. REVOLVING FUND - APPROPRIATION.** All fees collected by the state  
14 historical society and deposited in the revolving fund established pursuant to section 55-03-04  
15 are appropriated to the state historical society for the purposes provided in chapter 55-03, for  
16 the biennium beginning July 1, 2023, and ending June 30, 2025.

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

22 **SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
23 **FUND - STATE HISTORICAL SOCIETY.** The estimated income line item in section 1 of this Act  
24 includes \$5,095,500 from the strategic investment and improvements fund, of which \$4,500,000  
25 is for critical repairs to historic site structures and \$595,000 is for creating new and repairing  
26 existing exhibits.

27 **SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**  
28 The estimated income line item in section 1 of this Act includes \$100,000 of grant funding from  
29 the department of transportation for the purpose of defraying expenses of the Lewis and Clark  
30 interpretive center.

1       **SECTION 7. AMENDMENT.** Section 55-03-01 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **55-03-01. Permit required to investigate, evaluate, or mitigate adverse effect on**  
4 **cultural resources, historic buildings, structures, or objects - Application - Fee.**

5       Any person engaged in identifying, evaluating, or mitigating adverse effects on cultural  
6 resources, historic buildings, structures, or objects on any lands in North Dakota, under  
7 ~~section 106 of the National Historic Preservation Act of 1966 [Pub. L. 89-665; 80 Stat. 915;~~  
8 ~~16 U.S.C. 470, as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, and Pub. L.~~  
9 ~~94-458], 36 CFR 800, or subdivision u of subsection 1 of section 38-14.1-14~~any applicable state  
10 law, shall obtain an annual permit from the director of the state historical society. The permit  
11 application must be in the form prescribed by the director. Each application must be  
12 accompanied by a filing fee ~~of one hundred dollars~~as determined by the director. The director  
13 may waive the fee requirement if the applicant is an instrumentality of the state. Following  
14 issuance of the annual permit, the permittee shall submit to the state historical society payment  
15 in the amount ~~of fifty dollars~~determined by the director with every cultural resources  
16 identification, monitoring report, evaluation, and mitigation report submitted to the director in  
17 compliance with the federal and state statutory and regulatory requirements identified in this  
18 section. A permittee submitting a report on behalf of a nonprofit corporation formed under  
19 chapter 10-33 does not have to pay the fee for filing the report.

20       **SECTION 8. AMENDMENT.** Section 55-03-01.1 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **55-03-01.1. Permit required to investigate, excavate, or otherwise record cultural**  
23 **resources on land owned by an instrumentality of the state and to excavate cultural**  
24 **resources on private land.**

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

1       **SECTION 9. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section  
2 54-44.1-11 does not apply to the appropriation in section 5 of chapter 18 of the 2021 Session  
3 Laws as amended by section 2 of chapter 548 of the 2021 Special Session Session Laws, and  
4 any unexpended funds from this appropriation may be continued and used for the purpose of  
5 deferred maintenance and extraordinary repair projects during the biennium beginning July 1,  
6 2023, and ending June 30, 2025.

7       **SECTION 10. LEGISLATIVE MANAGEMENT STUDY - RECORDS RETENTION.** During  
8 the 2023-24 interim, the legislative management shall consider studying the records  
9 management programs of state agencies and institutions related to records deemed historic in  
10 value. The study must include a review of state agencies' and institutions' compliance with the  
11 records management programs. The legislative management shall report its findings and  
12 recommendations, together with any legislation required to implement the recommendations, to  
13 the sixty-ninth legislative assembly.