

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

SENATE BILL NO. 2018  
(Appropriations Committee)

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

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

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

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

**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:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Historical site and extraordinary repairs	\$4,200,000	\$3,250,000
Essential infrastructure at historic sites	950,000	0
State archives digital repository upgrade	25,000	0
Inflationary costs	0	120,795
Digital interactive initiative	0	425,000
Geographic information system remote access and upgrade	0	250,000
Medora site planning	0	150,000
Army corps of engineers grant	0	400,000
Opera house restoration	0	250,000
Whitestone Hill monument	0	250,000
Digital humanities advancement grant	0	30,000
Scanner and microfilm plotter	0	236,044
Exhibit engagement	0	375,000
Paul Bruhn historical revitalization grant	0	750,000
Underrepresented community grant	0	125,000
America's 250th celebration	0	250,000
Military museum	<u>0</u>	<u>20,000,000</u>

Total all funds	\$5,175,000	\$26,861,839
Total special funds	<u>5,150,000</u>	<u>24,955,000</u>
Total general fund	\$25,000	\$1,906,839

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

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

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

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

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

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

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

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

Any person engaged in identifying, evaluating, or mitigating adverse effects on cultural resources, historic buildings, structures, or objects on any lands in North Dakota, under ~~section 106 of the National Historic Preservation Act of 1966 [Pub. L. 89-665; 80 Stat. 915; 16 U.S.C. 470, as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, and Pub. L. 94-458], 36 CFR 800; or subdivision u of subsection 1 of section 38-14.1-14~~any applicable state law, shall obtain an annual permit from the director of the state historical society. The permit application must be in the form prescribed by the director. Each application must be accompanied by a filing fee of ~~one hundred dollars~~as determined by the director. The director may waive the fee requirement if the applicant is an instrumentality of the state. Following issuance of the annual permit, the permittee shall submit to the state historical society payment in the amount of ~~fifty dollars~~determined by the director with every cultural resources identification, monitoring report, evaluation, and mitigation report submitted to the director in compliance with the federal and state statutory and regulatory requirements identified in this section. A permittee

submitting a report on behalf of a nonprofit corporation formed under chapter 10-33 does not have to pay the fee for filing the report.

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

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

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

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

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

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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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. 2018.

Senate Vote:    Yeas 45            Nays 2            Absent 0

House Vote:    Yeas 70            Nays 22           Absent 2

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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.

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Secretary of State