

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>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$15,791,624	\$1,757,194	\$17,548,818
15 Operating expenses	4,473,663	(512,832)	3,960,831
16 Capital assets	1,251,015	4,883,413	6,134,428
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	750,000	750,000
20 Exhibits	0	595,000	595,000
21 Total all funds	\$22,616,302	\$8,676,115	\$31,292,417
22 Less estimated income	3,229,952	6,073,389	9,303,341
23 Total general fund	\$19,386,350	\$2,602,726	\$21,989,076
24 Full-time equivalent positions	78.75	3.25	82.00

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1	Salaries and wages	\$15,791,624	\$722,870	\$16,514,494
2	Operating expenses	4,473,663	122,168	4,595,831
3	Capital assets	1,251,015	24,163,413	25,414,428
4	Grants	600,000	1,203,340	1,803,340
5	Cultural heritage grants	500,000	0	500,000
6	America's 250th celebration	0	250,000	250,000
7	Exhibits	0	300,000	300,000
8	Total all funds	\$22,616,302	\$26,761,791	\$49,378,093
9	Less estimated income	3,229,952	24,109,231	27,339,183
10	Total general fund	\$19,386,350	\$2,652,560	\$22,038,910
11	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>
17	Historical site and extraordinary repairs	\$4,200,000	\$4,500,000
18	Essential infrastructure at historic sites	950,000	0
19	State archives digital repository upgrade	25,000	0
20	Inflationary costs	0	120,795
21	Geographic information system remote access and upgrade	0	250,000
22	Medora site planning	0	150,000
23	Digital humanities advancement grant	0	30,000
24	Scanner and microfilm plotter	0	236,044
25	Exhibit engagement	0	670,000
26	Paul Bruhn historical revitalization grant	0	750,000
27	Underrepresented community grant	0	125,000
28	America's 250th celebration	0	750,000
29	Total all funds	\$5,175,000	\$7,581,839
30	Total special funds	5,150,000	6,100,000
31	Total general fund	\$25,000	\$1,481,839

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

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

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

29 **SECTION 4. GIFTS, GRANTS, AND BEQUESTS - APPROPRIATION.** All gifts, grants,
 30 devises, bequests, donations, and assignments received by the state historical society and
 31 deposited with the state treasurer pursuant to section 55-01-04 are appropriated to the state

1 historical society for the purposes provided in section 55-01-04, for the biennium beginning
2 July 1, 2023, and ending June 30, 2025.

3 **SECTION 5. BANK OF NORTH DAKOTA - LINE OF CREDIT - MILITARY MUSEUM -**

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

11 **SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**
12 **FUND - STATE HISTORICAL SOCIETY.** The estimated income line item in section 1 of this Act

13 includes ~~\$5,095,500~~\$3,550,000 from the strategic investment and improvements fund, of which
14 ~~\$4,500,000~~\$3,250,000 is for critical repairs to historic site structures and ~~\$595,000~~\$300,000 is
15 for creating new and repairing existing exhibits.

16 **SECTION 7. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.**

17 The estimated income line item in section 1 of this Act includes \$100,000 of grant funding from
18 the department of transportation for the purpose of defraying expenses of the Lewis and Clark
19 interpretive center.

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

22 **55-03-01. Permit required to investigate, evaluate, or mitigate adverse effect on**
23 **cultural resources, historic buildings, structures, or objects - Application - Fee.**

24 Any person engaged in identifying, evaluating, or mitigating adverse effects on cultural
25 resources, historic buildings, structures, or objects on any lands in North Dakota, under
26 section 106 of the National Historic Preservation Act of 1966 [Pub. L. 89-665; 80 Stat. 915;
27 16 U.S.C. 470, as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, and Pub. L.
28 ~~94-458~~], 36 CFR 800, or subdivision u of subsection 1 of section ~~38-14.1-14~~ any applicable state
29 law, shall obtain an annual permit from the director of the state historical society. The permit
30 application must be in the form prescribed by the director. Each application must be
31 accompanied by a filing fee ~~of one hundred dollars~~ as determined by the director. The director

1 may waive the fee requirement if the applicant is an instrumentality of the state. Following
2 issuance of the annual permit, the permittee shall submit to the state historical society payment
3 in the amount of ~~fifty dollars~~determined by the director with every cultural resources
4 identification, monitoring report, evaluation, and mitigation report submitted to the director in
5 compliance with the federal and state statutory and regulatory requirements identified in this
6 section. A permittee submitting a report on behalf of a nonprofit corporation formed under
7 chapter 10-33 does not have to pay the fee for filing the report.

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

10 **55-03-01.1. Permit required to investigate, excavate, or otherwise record cultural**
11 **resources on land owned by an instrumentality of the state and to excavate cultural**
12 **resources on private land.**

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

20 **SECTION 10. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** Section
21 54-44.1-11 does not apply to the appropriation in section 5 of chapter 18 of the 2021 Session
22 Laws as amended by section 2 of chapter 548 of the 2021 Special Session Session Laws, and
23 any unexpended funds from this appropriation may be continued and used for the purpose of
24 deferred maintenance and extraordinary repair projects during the biennium beginning July 1,
25 2023, and ending June 30, 2025.

26 **SECTION 11. LEGISLATIVE MANAGEMENT STUDY - RECORDS RETENTION.** During
27 the 2023-24 interim, the legislative management shall consider studying the records
28 management programs of state agencies and institutions related to records deemed historic in
29 value. The study must include a review of state agencies' and institutions' compliance with the
30 records management programs. The legislative management shall report its findings and

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- 1 recommendations, together with any legislation required to implement the recommendations, to
- 2 the sixty-ninth legislative assembly.