

## FIRST ENGROSSMENT

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2018

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 commerce; to provide exemptions; to provide for an audit; and to provide for a transfer.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
5 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
6 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
7 other income, to the department of commerce for the purpose of defraying the expenses of the  
8 department of commerce, for the biennium beginning July 1, 2009, and ending June 30, 2011,  
9 as follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>	
10				
11				
12	Salaries and wages	\$8,826,879	\$1,359,088	\$10,185,967
13	Operating expenses	14,308,688	119,584	14,428,272
14	Capital assets	25,000	0	25,000
15	Grants	48,774,748	5,111,310	53,886,058
16	Discretionary funds	1,450,127	(522,044)	928,083
17	Economic development initiatives	1,296,846	(1,110,000)	186,846
18	Agricultural products utilization	3,008,193	(471,563)	2,536,630
19	North Dakota trade office	1,500,000	500,000	2,000,000
20	Partner programs	<u>50,000</u>	<u>1,972,044</u>	<u>2,022,044</u>
21	Total all funds	\$79,240,481	\$6,958,419	\$86,198,900
22	Less special funds	<u>55,758,516</u>	<u>(2,049,655)</u>	<u>53,708,861</u>
23	Total general fund	\$23,481,965	\$9,008,074	\$32,490,039
24	Full-time equivalent positions	66.00	2.00	68.00

1           **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
2 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
3 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the  
4 2009-11 one-time funding items included in the appropriations in section 1 and section 11 of  
5 this Act:

6 <u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
7    Transfer to development fund	\$3,000,000	\$0
8    Tax expenditure and business incentive reports	100,000	0
9    Transfer to workforce enhancement fund	0	2,000,000
10   Ethanol/biodiesel blender pumps	0	2,000,000
11    and alternative energy		
12   Grants to establish or expand child care	0	3,500,000
13   Promotion and marketing of U.S.S.	0	100,000
14    North Dakota	_____	_____
15   Total general fund	\$3,100,000	\$7,600,000

16   The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
17 2011-13 biennium. The department of commerce shall report to the appropriations committees  
18 of the sixty-second legislative assembly on the use of this one-time funding for the biennium  
19 beginning July 1, 2009, and ending June 30, 2011.

20           **SECTION 3. AGRICULTURE FUEL TAX REFUNDS.** The estimated income line item  
21 in section 1 of this Act includes \$575,000 from refunds of tax for fuel used for agricultural  
22 purposes, to be used by the agricultural products utilization commission, for the biennium  
23 beginning July 1, 2009, and ending June 30, 2011.

24           **SECTION 4. EXEMPTION.** The amount appropriated for the agricultural products  
25 utilization commission in section 3 of chapter 18 of the 2007 Session Laws is not subject to  
26 section 54-44.1-11 and any unexpended funds from this line item for grants are available for  
27 grants during the biennium beginning July 1, 2009, and ending June 30, 2011.

28           **SECTION 5. EXEMPTION.** The amount appropriated for the discretionary funds line  
29 item in section 3 of chapter 18 of the 2007 Session Laws is not subject to section 54-44.1-11  
30 and any unexpended funds from this line item are available during the biennium beginning  
31 July 1, 2009, and ending June 30, 2011.

1           **SECTION 6. EXEMPTION.** The amount appropriated for internships contained in the  
2 economic development initiative line item in section 3 of chapter 18 of the 2007 Session Laws  
3 is not subject to section 54-44.1-11 and any unexpended funds from this line item are available  
4 during the biennium beginning July 1, 2009, and ending June 30, 2011.

5           **SECTION 7. TAX COMMISSIONER - AUDIT OF ETHANOL PRODUCTION**  
6 **INCENTIVE PROGRAM.** The tax commissioner shall conduct an audit of the ethanol  
7 production incentive program during the biennium beginning July 1, 2009, and ending June 30,  
8 2011.

9           **SECTION 8. TRADE OFFICE - MATCHING FUND REQUIREMENT.** The total North  
10 Dakota trade office special line and the general fund appropriation in section 1 of this Act  
11 include \$2,000,000 of funding relating to the North Dakota trade office. The department of  
12 commerce may spend fifty percent of this amount without requiring any matching funds from  
13 the trade office. Any additional amounts may be spent only to the extent that the North Dakota  
14 trade office provides one dollar of matching funds from private or other public sources for each  
15 one dollar provided by the department for the biennium beginning July 1, 2009, and ending  
16 June 30, 2011. Matching funds may include money spent by businesses or organizations to  
17 pay salaries to export assistants, provide training to export assistants, or buy computer  
18 equipment as part of the North Dakota trade office's export assistance program.

19           **SECTION 9. APPROPRIATION - TRANSFER - WORKFORCE ENHANCEMENT**  
20 **FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not  
21 otherwise appropriated, the sum of \$2,000,000, which the office of management and budget  
22 shall transfer to the workforce enhancement fund for the purpose of assisting two-year colleges  
23 to respond to business and industry workforce training for the biennium beginning July 1, 2009,  
24 and ending June 30, 2011.