

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2057

Introduced by

Legislative Management

(Workforce Committee)

1 A BILL for an Act to create and enact a new chapter to title 54 and a new section to chapter  
2 54-60 of the North Dakota Century Code, relating to a centers of research excellence program  
3 and centers of entrepreneurship excellence grants; to amend and reenact section 54-60-22 of  
4 the North Dakota Century Code, relating to centers of workforce excellence grants; to provide  
5 for transfers; to provide a continuing appropriation; and to provide an appropriation.

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

7 **SECTION 1. AMENDMENT.** Section 54-60-22 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **54-60-22. Workforce enhancement council - ~~Grants~~Centers of workforce excellence**  
10 **grants.**

11 The workforce enhancement council shall recommend to the commissioner the approval of  
12 centers of workforce excellence grants to institutions of higher education assigned primary  
13 responsibility for workforce training in this state to be used to create or enhance training  
14 programs that address workforce needs of private sector companies. A grant made under this  
15 section may be used for curriculum development, equipment, recruitment of participants, and  
16 training and certification for instructors but may not be used to supplant funding for current  
17 operations. The department may distribute funds under this section after:

- 18 1. The division of workforce development certifies that a proposed training program  
19 meets a critical workforce shortage in a target industry or other high-demand  
20 occupation and is expected to lead to employment in this state; and
- 21 2. The proposed recipient provides the department with detailed documentation of  
22 private sector participation, including the availability of one dollar of matching funds for  
23 each dollar of state funds.

1       **SECTION 2.** A new section to chapter 54-60 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Centers of entrepreneurship excellence grants.**

4       The department shall administer a centers of entrepreneurship excellence grant program,  
5 which shall provide grants to department-certified entrepreneurial centers to be used to assist  
6 entrepreneurs in accessing capital, to assist entrepreneurs through providing marketing  
7 assistance, to support building entrepreneur infrastructure, and to develop entrepreneurial  
8 talent. The centers of excellence commission, established under chapter 15-69, shall make  
9 grant award determinations under this section. The department shall work with the centers of  
10 excellence commission in establishing guidelines to qualify for a grant under this section which  
11 may include preference for an applicant that establishes the availability of matching funds.

12       **SECTION 3.** A new chapter to title 54 of the North Dakota Century Code is created and  
13 enacted as follows:

14       **Definitions.**

15       In this chapter, unless the context otherwise requires:

- 16       1. "Center" means a center of research excellence that has been designated under this  
17 chapter.
- 18       2. "Commission" means the centers of excellence commission as defined under chapter  
19 15-69.
- 20       3. "Department" means the department of commerce;
- 21       4. "Industry cluster" means one of the following industries:
- 22           a. Advanced manufacturing;
- 23           b. Energy;
- 24           c. Information and technology;
- 25           d. Tourism;
- 26           e. Value-added agriculture; or
- 27           f. An industry, including the aerospace industry, specifically identified by the  
28 department of commerce as an industry that will contribute to the gross state  
29 product.
- 30       5. "Infrastructure" means new building construction or major building renovation. The  
31 term does not include a purchase of equipment or remodel of an existing building.

1       6. "Research university" means an institution under the control of the state board of  
2       higher education.

3       **Centers of research excellence - Application - Eligibility.**

4       1. The department shall establish a centers of research excellence program. The  
5       commission shall make funding award determinations under this program. A center  
6       must be a research university or a nonprofit university-related or college-related  
7       foundation of a research university which is working in partnership with the private  
8       sector.

9       2. The department shall provide center application forms, accept applications, review  
10      applications for completeness and compliance with commission policy, forward  
11      complete applications to the commission in accordance with guidelines established by  
12      the commission, and assist with preaward reviews and postaward monitoring as may  
13      be requested by the commission. No more than two applications per campus of a  
14      research university institution may be submitted to the department for each round of  
15      center funding.

16     3. The commission shall meet as necessary to review all complete applications; consider  
17      the potential need for independent, expert review of complete applications; approve or  
18      disapprove complete applications; make funding award recommendations for  
19      commission-approved proposed centers; direct the department to distribute funds to  
20      the centers; monitor centers for compliance with award requirements; review changes  
21      in assertions made in center applications; and conduct postaward monitoring of  
22      centers.

23     4. In considering whether to approve or disapprove a center application, the commission  
24      shall determine whether the applicant has conducted the due diligence necessary to  
25      put together a viable proposal, the commission shall determine whether the applicant  
26      has provided information in the application which clearly outlines how the matching  
27      fund requirement will be met, and the commission shall consider whether the center  
28      will:

29     a. Use university research to promote private sector job growth and expansion of  
30      knowledge-based industries or use university research to promote the  
31      development of new products, high-tech companies, or skilled jobs in this state;

- 1           b. Create high-value private sector employment opportunities in this state;
- 2           c. Provide for public-private sector involvement and partnerships;
- 3           d. Leverage other funding, including cash from the private sector;
- 4           e. Promote the commercialization of new products and services in industry clusters;
- 5           f. Become financially self-sustaining; and
- 6           g. Establish and meet a deadline for acquiring and expending all public and private  
7           funds specified in the application.
- 8        5. In considering whether to approve an application, the commission may provide for an  
9        independent, expert review of the application to determine whether the proposed  
10       center is viable and whether the proposed center is likely to have the desired  
11       economic impact. As necessary, the commission may contract for additional technical  
12       review of applications. The commission may not approve an application unless the  
13       commission determines the proposed center has a high likelihood of viability and  
14       success in positively impacting economic development in the state.
- 15       6. The board rules adopted under subsection 9 of section 15-10-17, relating to ownership  
16       of intellectual property, inventions, and discoveries, must address activities and issues  
17       unique to centers.

18       **Use of funds - Terms of funds - Distribution of funds - Postaward monitoring.**

- 19       1. A center shall use center grant funds to enhance capacity and leverage state, federal,  
20       and private sources of funding. A center awarded center funds under this chapter may  
21       not use the funds for infrastructure, to supplant funding for current operations or  
22       academic instructions, or to pay indirect costs.
- 23       2. For no fewer than six years and no more than ten years following center designation,  
24       the commission shall monitor the center's activities in order to determine whether the  
25       center is having the desired economic impact.
- 26       3. As a condition for receipt of center funds under this chapter, a center shall agree to  
27       contract with an independent accountant annually in an agreed-upon procedures  
28       engagement and provide the budget section of the legislative management with a  
29       report of the results. The agreed-upon procedures report must be provided until the  
30       completion of the commission's postaward monitoring of the center. As a condition for  
31       receipt of center funds under this chapter, a center shall agree to provide the

1           commission with the information necessary to monitor the postaward activities of the  
2           center.

3           4. Before the commission directs the department to distribute center funds awarded  
4           under this chapter, the center shall provide the commission with detailed  
5           documentation of private sector participation and the availability of two dollars of  
6           matching funds for each dollar of state funds to be distributed. Of the two dollars of  
7           matching funds, at least one dollar must be cash, of which at least fifty cents must be  
8           from the private sector. The matching funds may include funds facilitated through the  
9           collaboration of the private sector participants with other funding entities. The noncash  
10           matching funds may include in-kind assets with itemized value. Private sector  
11           participation may be established through equity investments or through contracts for  
12           services with private sector entities. In making funding recommendations and  
13           designation determinations, the commission shall give major consideration to the  
14           portion of the matching funds provided in cash by the private sector.

15           5. The commission shall direct the department to distribute the center funds awarded  
16           under this chapter in disbursements consistent with the center's budget and timeframe  
17           outlined in the approved award. The commission may not direct distribution of center  
18           funds under this chapter if there are no private sector partners participating or if the  
19           statutorily required matching funds are not available.

20           6. If, before center funds are distributed by the department, a center undergoes a change  
21           in the terms of or assertions made in its application, the commission may direct that  
22           the department withhold all or a portion of any undistributed funds pending  
23           commission review of the changes.

24           7. The commission may use funds appropriated for the centers of research excellence  
25           program to pay for the commissioner's administrative expenses.

26           **Eminent researcher recruitment challenge grants.**

27           As part of the centers of research excellence program, the department of commerce shall  
28           establish and administer an eminent researcher recruitment challenge grant program to provide  
29           challenge grants to raise funds to be used by research universities and foundations established  
30           to further the work of such research universities in endowing chairs to attract eminent research  
31           scholars to join the faculties of the research universities. Under this program, the commission

1 shall make challenge grant award determinations. The commission shall adopt standards  
2 relative to the award of a challenge grant under this section which must require that a  
3 foundation contribute at least fifty percent and not more than seventy-five percent of the total  
4 amount the commission deems necessary to endow a chair. The commission may revise the  
5 contribution formulas at any time in order to maximize the benefits that may result from  
6 endowing one or more chairs in the biennium and depending on the total funds available to the  
7 grant program. In determining whether to make a grant award under this section, the  
8 commission may consider the existing programs of the North Dakota university system, the  
9 necessity for such a chair, and any duplication the creation of the chair might cause.

10 **Centers of research excellence fund - Continuing appropriation.**

11 The centers of research excellence fund is a special fund in the state treasury. All moneys  
12 in the centers of research excellence fund are appropriated to the department of commerce on  
13 a continuing basis for the purpose of implementing and administering this chapter. Interest  
14 earned on moneys in the fund must be credited to the fund.

15 **SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general  
16 fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the  
17 sum as may be necessary, to the department of commerce for the purpose of funding centers of  
18 entrepreneurship excellence grants under section 2 of this Act, for the biennium beginning  
19 July 1, 2011, and ending June 30, 2013.

20 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general  
21 fund in the state treasury, not otherwise appropriated, the sum of \$3,500,000, or so much of the  
22 sum as may be necessary, to the department of commerce for the purpose of working with the  
23 North Dakota university system's research institutions, the adjutant general, and the North  
24 Dakota aeronautics commission in leveraging private and federal funding to advance state  
25 opportunities associated with a limited deployment-cooperative airspace project in the state, for  
26 the biennium beginning July 1, 2011, and ending June 30, 2013.

27 **SECTION 6. APPROPRIATION - TRANSFER - WORKFORCE ENHANCEMENT FUND.**

28 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
29 appropriated, the sum of \$2,000,000, which the office of management and budget shall transfer  
30 to the workforce enhancement fund for the purpose of implementing and administering sections  
31 54-60-21 and 54-60-22, for the biennium beginning July 1, 2011, and ending June 30, 2013.

1       **SECTION 7. APPROPRIATION - TRANSFER - CENTERS OF RESEARCH EXCELLENCE**

2       **FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not  
3 otherwise appropriated, the sum of \$8,000,000, which the office of management and budget  
4 shall transfer to the centers of research excellence fund for the purpose of implementing and  
5 administering the centers of research excellence grants provided for under section 3 of this Act,  
6 for the biennium beginning July 1, 2011, and ending June 30, 2013.

7       **SECTION 8. APPROPRIATION - TRANSFER - CENTERS OF RESEARCH EXCELLENCE**

8       **FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not  
9 otherwise appropriated, the sum of \$1,500,000, which the office of management and budget  
10 shall transfer to the centers of research excellence fund for the purpose of implementing and  
11 administering the eminent researcher recruitment challenge grants provided for under section 3  
12 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.