

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

2180

2007 SENATE AGRICULTURE

SB 2180

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2180

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1892

Committee Clerk Signature

Cassie Kren

Minutes:

Sen. Flakoll opened the hearing on SB 2180, a bill relating to the biofuel partnership in assisting community expansion fund and to provide a continuing appropriation. All members (7) were present.

Sen. Klein, district 14, testified in favor of the bill.

Sen. Klein- I have been working on renewable projects and bills for many sessions. This proposal will now include ethanol as well as some livestock enterprises that utilize the interest by down, but it is all about trying to support the renewable energy industry in the state. This bill expands the assistance to \$500,000 interest by down for a renewable fuel plant and as much as \$250,000 for dairy and livestock. The bill does define who can participate these plants need to be owned by at least 10% agricultural producers or 50% ND resident. In addition these plants could also participate in up to \$900,000 in financial assistance. The best part is that it is in the governors budget and happens to be in the Bank of ND budget over in the house, in that budget there is \$4.2 million in new money and we have \$800,000 carry over from biodiesel pace, so we have up to \$5 million for up to 10 new projects and new plants.

That is an over view and there are others here that will be able to go over the bill section by section.

Sen. Wanzek, district 29, testified in favor of the bill.

Sen. Wanzek- This is a very good bill, on behalf of the corn growers I will be introducing some amendments. What the amendment essentially does is expand the potential use of the bio pace funds for corn storage facilities. This is an effort to try to provide some help for those who can not afford to put up storage units for their plants.

Rep. Brandenburg, district 28, testified in favor of the bill.

Rep. Brandenburg- I think this bill is a fantastic effort towards ND growing it's own industry. I also stand in support of the amendment.

Lance Gaebe, representing Governor Hoeven, testified in favor of the bill. Read and walked the committee through the bill to help them understand it more.

Sen. Flakoll- where do you get the livestock producers language?

Lance Gaebe- came from another bill that is being considered in the house.

Sen. Flakoll- on the 10% agriculture producers and 50% residents do you view that as dollars or persons?

Lance Gaebe- I'm not sure, I think it is based on ownership share and percentage of the share but it does not clearly state it that way, but that was the intent. I will have to find out.

Roger Johnson, Agriculture Commissioner, testified in favor of the bill. See attached testimony.

Gary Hoffman, ND dairy coalition, testified in favor of the bill.

Gary Hoffman- We are very pleased that dairy has been included in the bill and that there is interest by down in some of the new dairy facilities. We have been in existence for 2 years and have seen a lot of progress. This bill will really help and increase the growth of the industry. We would hope that maybe you could include funding for the dairy coalition efforts.

We ask that maybe you would add an amendment to add some funding for future dairy development projects in ND.

Sen. Klein- did you have a solid number for the funding that you would need to provide the service or the work that you are doing?

Gary Hoffman- we are looking at \$300,000 per biennium.

Sen. Taylor- just looking at a new dairy what is there optimal size and what is a cost estimate?

Gary Hoffman- \$5,000 per animal yield, if you were to build a brand new dairy today the minimum you would look at is 800 head.

Sen. Behm- what type of milking parlors do these big dairy plan on having?

Gary Hoffman- if you are looking at a 8,000 cow dairy you are probably looking at a 80 cow rotary.

Mike Seifert, chief operating officer of tall grass bio-industries, testified in favor of the bill.

Mike Seifert- This bill helps with local ownership and helping with financial aspects of these facilities. I am in support of this bill.

Sen. Klein- do you see the 10% and 50% question a hindrance to providing more opportunities or more investors to the projects that you are working on?

Mike Seifert- no I don't think so I look at it as a up side.

Bart Schott, chairman of the ND utilization council, testified in favor of the bill. See attached testimony.

Sen. Klein- SD has been moving the ethanol industry along, what have they done to address those issues or any other state?

Bart Schott- storage is a real issue in SD as well, they are trying to build the storage facilities to keep the corn in SD. They run into the same problems as we do.

Sen. Klein- if I wanted to go out and buy a building for this summer, do you think I would be able to even get one? I have heard they are in high demand.

Bart Schott- I don't know.

Sen. Taylor- 3.2 million cost on your sheet would take up a lot of the money on this program we would have to look at a cap, would you be agreeable to some sort of a cap to keep this from becoming just a corn storage bill?

Bart Schott- the Bank of ND would like to set a \$10,000 cap on interest buy down, they would chose the individuals that would qualify for this loan.

Randy Schneider, president of the ND Ethanol Producers lobbyist 512, testified in favor of the bill.

Randy Schneider- I am here in support of this bill with one exception. The one thing we would ask for consideration on and amending in reference to the 10% and 50% ownership provisions of the bill. We feel that as an industry that we are kind of being singled out. We think that we should all be on the same playing field, so we would respectfully request that the bill be amended to take that out of the bill.

Sen. Klein- so the way that this language is written you wouldn't be able to participate at all?

Randy Schneider- probably not with this particular provision.

Mike Williams, executive board of the ND renewable partnership, testified in favor of the bill

Mike Williams- We support this bill. It has been proven that if there is local ownership in these plants the return on investments is 10 times as far as the economic impact for that community.

Brian Kramer-lobbyist 40 from ND Farm Bureau, **Dennis Hill-**ND Assoc. RECS, **Dave Buail-** lobbyist 372, **Woody Barth-** lobbyist 286 ND Farmers Union, **Gary Jacobson-**Great River

Energy all were present and in favor of the bill.

No opposition to the bill.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2180

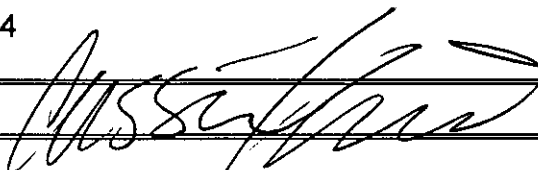
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1894

Committee Clerk Signature



Minutes:

Sen. Flakoll opened discussion on SB 2180.

Sen. Flakoll- how many amendments are we looking at on that bill? I have a amendment that I had drafted up. I think that it is 10% by dollars and not just 10% of the people.

Sen. Behm- are you saying not 10% of the members they have to be producers?

Sen. Flakoll- they have to have 10% ownership. So it's the dollars not the head count.

Sen. Heckaman- I think it would have to be that it is already in there intent cause if you only have 5 people you cant take 10% of that, so the intent has to be dollars.

Sen. Klein- I am a little uncomfortable with the 10 and 50 only to the point cause none of the projects that are going on in the state now we even qualify. We are not enticing anyone right now to build a plant. I just think that we are going to have a little issue as we go through the system. Are we creating a level playing field? I would like to go and talk to some of these folks.

Sen. Wanzek- I would share some of those concerns, it would be nice to have local people owning it. But, if we couldn't build it and we couldn't invest in it and this would be the tipping point on weather a plant would be built or not but it is owned from someone out of state would you still want it or wouldn't you?

Sen. Taylor- I think there is some flexibility there and there is a greater economical impact and I don't think that 10% even on the producers side is even to much to ask.

Sen. Flakoll- Sen. Klein or Sen. Wanzek did you ever have any discussions about a bigger buy down if they qualify 10 or 50 percent verses out of state?

Sen. Klein- I don't think that we have had that. If legislator and citizens think it's a good way to proceed we are going to do it this way, if we find more resistance. I am not opposed to either way I am just thinking, if there is a million dollar plant anywhere in the state I don't want to be an obstruction.

Sen. Behm- the way I understand this 10% is that it is 105 agricultural producers or 50% north Dakotans, do you need the money part even in there? There are going to be Ag producers around that area. I am comfortable with the way the bill reads to.

Sen. Klein- if we could come back so I can look into some things.

Sen. Wanzek- do we break it down and look at individuals in the newman group? Do they all live in the state yet? How far do we go with that?

Sen. Klein- so e have a 2 million dollar plant that we need to provide 20 million dollars worth of equity to get it going, of that 20 million dollars, 10% of that 2 million needs to be ND farmers? I am just thinking the investment side. What level do we have to get and how many people do we need to get in to get to that level that we need to be to make this project go.

Sen. Flakoll- what happened if they would sell their ownership?

Sen. Taylor- if we are going to include the cap I don't want it to be an overwhelming detriment that would be dedicated to plants and livestock operations, it should be capped at what ever the minority part of the fiscal. For me to vote on it I would have to see something like that.

Sen. Wanzek- there are a number of farmers that this might be enough to tip them towards having more adequate storage facilities or investing. Maybe just putting a dollar cap on it.

Sen. Klein- in reference to Gary Hoffman's discussion I am just not sure how that id going to fit onto this, I know the issues their facing, but I am just thinking that there has got to be something else. I just don't know if this is the place for that one.

Sen. Flakoll closed the discussion.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2180

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1894

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the discussion on SB 2180.

Sen. Klein- some of the discussion was on the 10% and what that meant. In visiting, you need 10% producers if we have to come up with \$10 million. Can it happen, they had one that project that got close. So basically it could work, we believe that that project wouldn't tap into this anyway cause it is already going. The newman group should be able to utilize that. It would be up to the bank of ND to look at the law that we created and try to determine weather or not there is 10% ownership in their cooperation. The language is fine and we are going to leave it.

Sen. Behm- this doesn't defeat the bills purpose then I am comfortable with it then, it might make it a little easier to understand.

Sen. Klein- are we looking for clarity on what makes up that 10%? In consulting with counsel it seems that there is some issue in the way we redo this cause of the way the statue defines individual. They want this to be extremely encompassing.

Sen. Flakoll- Stephaine (intern) explain what legislative counsel has explained to you.

Stephanie Weiss- They were saying that a facility can not be an individual.

Sen. Klein- a lot of the word smithing was done by Lance Gaebe and Jennifer Clark.

1-25-07
SB 2180

Sen. Flakoll calls **Lance Gaebe** to the podium.

Lance Gaebe, works for Governor Hoeven, talked for clarification on the bill.

Lance Gaebe- as it was written the word individual as I understand it in the century code the word individual is meant to be a broad definition. So what we are saying is an organization or cooperative that wants to deal with these is eligible for an interest buy out. This wording would work the best for that reason.

Sen. Taylor- I think that what Lance has told us is that there rally has been a lot of thought put into this already, or intent was to know it was an investment. I think leaving it as individual makes the most sense.

Lance Gaebe- what was explained to me is that individual and such are different arrays of broadness. The word person is to broad so that is why we chose the word individual.

Sen. Flakoll closed the discussion.

Roll call vote 1: **Sen. Behm** motioned for a do pass to adopt amendment **Sen. Klein** seconded the motion 7yeas, 0 nays, 0 absent.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2180

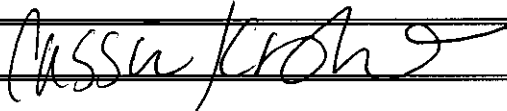
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2067

Committee Clerk Signature



Minutes:

Sen. Flakoll opened discussion on SB 2180.

Sen. Wanzek- we talked about if we include or expand the pace dollars for the use of building grain handle facilities for storage mostly for corn storage, the question was if that could use up the entire fund which we didn't want to do. I visited with corn growers and we agreed on a cap of \$500,000 and that is in the total amount of money for the buy down which as I explained that leverages a lot of money. It is more for the industry then the farmers. It has potential that then the corn would leave the state.

Sen. Flakoll- right now the corn people could get all the money so this would limit this so they could only get 10% of the money.

Sen. Behm- we have to be able to keep the corn in good condition and not store it on the ground.

Sen. Wanzek- it might encourage corn growers to keep there corn in it.

Sen. Taylor- who would make the facility decision the grain that is used for the intention of biofuels?

Sen. Klein- I'm going to support this but I think that if it is going to cause a problem in passing we need to bail on this.

Sen. Wanzek- a small percentage would still give them a little bit of a break and would maybe encourage them to put up the bins and encourage them to store things in the bins during critical times.

Sen. Flakoll closed the discussion.

Roll call vote 2: **Sen. Wanzek** motioned for a do pass to adopt amendment **Sen. Klein** seconded the motion 6yeas, 0nays, 1 absent (Sen. Erbele)

Roll call vote 3: **Sen. Klein** motioned for a do pass as amended to be rerefered to appropriations **Sen. Behm** seconded the motion **Sen. Klein** was designated to carry the bill to the floor. 6yeas, 0nays, 1 absent (Sen. Erbele)

FISCAL NOTE
Requested by Legislative Council
04/20/2007

Amendment to: Engrossed
 SB 2180

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$801,964		
Expenditures	(\$801,964)					
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund with expanded definitions and eligible uses. The amendments adopted by the Conference Committee will not have a fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium. Engrossed HB 1014 includes a provision that appropriates any unobligated Biodiesel PACE funds (\$801,964) to the Biofuels PACE fund.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Karlene K. Fine	Agency:	Industrial Commission
Phone Number:	328-3722	Date Prepared:	04/20/2007

FISCAL NOTE
Requested by Legislative Council
03/28/2007

Amendment to: Engrossed
 SB 2180

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$801,964		
Expenditures	(\$801,964)					
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund with expanded definitions and eligible uses. The amendments adopted by the House Appropriations Committee will not have a fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium. Engrossed HB 1014 includes a provision that appropriates any unobligated Biodiesel PACE funds (\$801,964) to the Biofuels PACE fund.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert A. Humann	Agency:	Bank of North Dakota
Phone Number:	328-5703	Date Prepared:	03/28/2007

FISCAL NOTE
Requested by Legislative Council
03/13/2007

Amendment to: Engrossed
 SB 2180

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$801,964		
Expenditures	(\$801,964)					
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund with expanded definitions and eligible uses. The amendments adopted by the House Natural Resources Committee dated March 8, 2007 will not have a fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium. HB 1014 - Section 17 appropriates any unobligated Biodiesel PACE funds (\$801,964) to the Biofuels PACE fund.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert A. Humann	Agency:	Bank of North Dakota
Phone Number:	328-5703	Date Prepared:	03/13/2007

FISCAL NOTE

Requested by Legislative Council

01/31/2007

Amendment to: SB 2180

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$801,964		
Expenditures	(\$801,964)					
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund with expanded definitions and eligible uses. The proposed amendments dated January 26, 2007 adopted by the Senate Agriculture Committee will not have a fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium. HB 1014 - Section 17 appropriates any unobligated Biodiesel PACE funds (\$801,964) to the Biofuels PACE fund.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert A. Humann	Agency:	Bank of North Dakota
Phone Number:	328-5703	Date Prepared:	01/31/2007

FISCAL NOTE

Requested by Legislative Council

01/29/2007

REVISION

Bill/Resolution No.: SB 2180

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$801,964		
Expenditures	(\$801,964)					
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund and appropriates any remaining Biodiesel PACE funds to the Biofuels PACE Fund.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 2 requires that the \$801,964 of remaining Biodiesel PACE funds be transferred to the newly created Biofuels PACE fund. Section 3, subdivision 3 of HB 1014 appropriates an additional \$4,200,000 for Biofuel PACE.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert A. Humann	Agency:	Bank Of North Dakota
Phone Number:	328-5703	Date Prepared:	01/29/2007

FISCAL NOTE
 Requested by Legislative Council
 01/16/2007

Bill/Resolution No.: SB 2180

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures	(\$801,964)					
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This legislation creates a Biofuels PACE Fund and appropriates any remaining Biodiesel PACE funds to the Biofuels PACE Fund.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 2 requires that the \$801,964 of remaining Biodiesel PACE funds be transferred to the newly created Biofuels PACE fund. Section 3, subdivision 3 of HB 1014 appropriates an additional \$4,200,000 for Biofuel PACE.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Existing N.D.C.C. 6-09.17-02 requires that any unobligated Biodiesel PACE funds(\$801,964) be returned to the General Fund at the end of the 2005-07 biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Robert A. Humann	Agency:	Bank Of North Dakota
Phone Number:	328-5703	Date Prepared:	01/19/2007

