

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
 2 commerce; ~~and to provide an appropriation to the department of transportation; to create and~~  
 3 ~~enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the transfer~~  
 4 ~~of the international business and trade office from the department of commerce to the~~  
 5 ~~agriculture commissioner; to amend and reenact section 54-60-29 of the North Dakota Century~~  
 6 ~~Code, relating to the unmanned aircraft systems program fund; to repeal section 54-60-16 of~~  
 7 ~~the North Dakota Century Code, relating to the international business and trade office; to~~  
 8 ~~provide a continuing appropriation; to provide for a transfer; to provide for a report; and to~~  
 9 ~~provide an exemption.~~

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 12 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 13 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 14 other income, to the department of commerce for the purpose of defraying the expenses of the  
 15 department of commerce, for the biennium beginning July 1, 2021, and ending June 30, 2023.

	<del>Governor's</del>		
	<del>Base Level</del>	<del>Recommendation</del>	<del>Appropriation</del>
18 <del>Salaries and wages</del>	<del>\$13,217,286</del>	<del>\$12,941,861</del>	<del>\$13,217,286</del>
19 <del>Operating expenses</del>	<del>14,873,203</del>	<del>16,929,189</del>	<del>14,873,203</del>
20 <del>Grants</del>	<del>52,638,527</del>	<del>53,282,330</del>	<del>52,638,527</del>
21 <del>Discretionary funds</del>	<del>2,150,000</del>	<del>1,550,000</del>	<del>2,150,000</del>
22 <del>North Dakota trade office</del>	<del>1,600,000</del>	<del>750,000</del>	<del>1,600,000</del>
23 <del>Partner programs</del>	<del>1,562,531</del>	<del>1,562,531</del>	<del>1,562,531</del>
24 <del>Entrepreneurship grants and vouchers</del>	<del>948,467</del>	<del>948,467</del>	<del>948,467</del>

Sixty-seventh  
Legislative Assembly

1	CARES Act funding	<del>0</del>	<del>8,000,000</del>	<del>0</del>
2	Total all funds	<del>\$86,990,014</del>	<del>\$95,964,378</del>	<del>\$86,990,014</del>
3	Less estimated income	<del>54,123,293</del>	<del>62,565,608</del>	<del>54,123,293</del>
4	Total general fund	<del>\$32,866,721</del>	<del>\$33,398,770</del>	<del>\$32,866,721</del>
5	Full-time equivalent positions	<del>61.80</del>	<del>58.80</del>	<del>61.80</del>
6			Adjustments or	
7		Base Level	Enhancements	Appropriation
8	Salaries and wages	\$13,217,286	(\$353,133)	\$12,864,153
9	Operating expenses	14,873,203	9,444,557	24,317,760
10	Grants	52,638,527	28,543,803	81,182,330
11	Discretionary funds	2,150,000	(600,000)	1,550,000
12	North Dakota trade office	1,600,000	(1,600,000)	0
13	Partner programs	1,562,531	0	1,562,531
14	Entrepreneurship grants and vouchers	948,467	0	948,467
15	Total all funds	\$86,990,014	\$35,435,227	\$122,425,241
16	Less estimated income	54,123,293	26,424,774	80,548,067
17	Total general fund	\$32,866,721	\$9,010,453	\$41,877,174
18	Full-time equivalent positions	61.80	(3.00)	58.80

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

**SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

23	One-Time Funding Description	2019-21	2021-23
24	Unmanned aircraft system	<del>\$2,225,000</del>	<del>\$0</del>
25	Enhanced use lease grant	<del>3,000,000</del>	<del>0</del>
26	Workforce grants to tribally controlled community colleges	<del>500,000</del>	<del>0</del>
27	Census 2020 program	<del>1,000,000</del>	<del>0</del>
28	Workforce safety grant	<del>1,000,000</del>	<del>0</del>
29	Entrepreneurship grants and vouchers	<del>2,000,000</del>	<del>0</del>
30	Sculpture maintenance grants	<del>75,000</del>	<del>0</del>
31	Nonresident nurse employment recruitment	<del>500,000</del>	<del>0</del>

Sixty-seventh  
Legislative Assembly

1	<del>Intermodal container transportation shipping fees</del>	<del>1,300,000</del>	<del>0</del>
2	<del>Job development and economic growth grant</del>	<del>25,000</del>	<del>0</del>
3	<del>Total all funds</del>	<del>\$11,625,000</del>	<del>\$0</del>
4	<del>Less estimated income</del>	<del>4,300,000</del>	<del>0</del>
5	<del>Total general fund</del>	<del>\$7,325,000</del>	<del>\$0</del>
6	Unmanned aircraft system	\$2,225,000	\$1,000,000
7	Beyond visual line of sight unmanned aircraft system	0	20,000,000
8	Enhanced use lease grant	3,000,000	7,000,000
9	Workforce grants to tribally controlled community colleges	500,000	500,000
10	Census 2020 program	1,000,000	0
11	Workforce safety grant	1,000,000	0
12	Entrepreneurship grants and vouchers	2,000,000	0
13	Sculpture maintenance grants	75,000	0
14	Nonresident nurse employment recruitment	500,000	0
15	Intermodal container transportation shipping fees	1,300,000	0
16	Job development and economic growth grant	25,000	0
17	Tourism marketing	0	7,000,000
18	Technical skills training grants	0	1,000,000
19	Total all funds	\$11,625,000	\$36,500,000
20	Less estimated income	4,300,000	27,000,000
21	Total general fund	\$7,325,000	\$9,500,000

22       The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget  
 23 for the 2023-25 biennium. The department of commerce shall report to the appropriations  
 24 committees of the sixty-eighth legislative assembly on the use of this one-time funding for the  
 25 biennium beginning July 1, 2021, and ending June 30, 2023.

26       **SECTION 3. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - BEYOND**  
 27 **VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM PROGRAM - ONE-TIME**  
 28 **FUNDING.** There is appropriated from special funds, derived from grant funds received from the  
 29 department of commerce pursuant to section 11 of this Act, not otherwise appropriated, the sum  
 30 of \$28,000,000, or so much of the sum as may be necessary, to the department of  
 31 transportation for the purpose of defraying tower infrastructure construction expenses of the

beyond visual line of sight unmanned aircraft system program, for the biennium beginning July 1, 2021, and ending June 30, 2023. The department of transportation may bid, award, and administer any contracts necessary to complete the construction of the tower infrastructure. This funding is considered a one-time funding item.

**SECTION 4. TRANSFER - INTERNSHIP FUND.** The office of management and budget shall transfer ~~\$855,000~~\$755,000 of the amount appropriated in the operating expenses line item in section 1 of this Act to the internship fund for the purpose of administering the operation intern program, for the biennium beginning July 1, 2021, and ending June 30, 2023.

~~**SECTION 4. BIOTECHNOLOGY GRANT PROGRAM.** The grants line item in section 1 of this Act includes \$300,000 from the general fund for the purpose of providing biotechnology grants to a local association with bioscience experience to promote bioscience and biotechnology research and business development in North Dakota agriculture and life and energy science industries.~~

~~**SECTION 5. DISCRETIONARY FUNDS - RURAL HEALTH.** Of the \$2,150,000 from the general fund appropriated in the discretionary funds line item in section 1 of this Act, \$200,000 is designated for the purpose of providing matching funds to an organization assisting in the recruitment, distribution, and supply, and enhancing the quality and efficiency of personnel providing health services in rural areas of the state.~~

~~**SECTION 6. TRADE OFFICE - MATCHING FUND REQUIREMENT.** The North Dakota trade office line item and the general fund appropriation in section 1 of this Act include \$1,600,000 of funding related to the North Dakota trade office. The department of commerce may spend sixty percent of this amount without requiring any matching funds from the trade office. Any additional amounts may be spent only to the extent the North Dakota trade office provides one dollar of matching funds from private or other public sources for each one dollar provided by the department. Matching funds may include money spent by businesses or organizations to pay salaries to export assistants, providing training to export assistants, or buy computer equipment as part of the North Dakota trade office's export assistance program.~~

**SECTION 5. ENTREPRENEURSHIP GRANTS AND VOUCHER PROGRAM.** The entrepreneurship grants and voucher line item in section 1 of this Act includes \$948,467, of which \$740,956 is from the general fund and \$207,511 is from the economic development fund, for the purpose of defraying the expenses of the entrepreneurship grants and voucher program.

1 The department shall establish guidelines to provide grants to entrepreneurial centers certified  
2 by the department. The department also shall establish guidelines to award vouchers to  
3 entrepreneurs to procure business development assistance from certified entrepreneurial  
4 centers or to provide grants to entrepreneurs working with an entrepreneurial center.

5 **SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
6 **FUND - ONE-TIME FUNDING.** The estimated income line item in section 1 of this Act includes  
7 the sum of \$26,000,000 from the strategic investment and improvements fund, of which  
8 \$19,000,000 is for beyond visual line of sight unmanned aircraft system grants and \$7,000,000  
9 is for enhanced use lease grants. This funding is considered a one-time funding item.

10 **SECTION 7. BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM**  
11 **PROGRAM - MATCHING FUND REQUIREMENT - ONE-TIME FUNDING.** The grants line item  
12 in section 1 of this Act includes \$1,000,000 from the general fund for grants to an organization  
13 dedicated to expanding workforce opportunities, training, and education related to the beyond  
14 visual line of sight unmanned aircraft system industry, which the department of commerce may  
15 provide only to the extent the organization provides one dollar of matching funds from private or  
16 other public sources for each one dollar provided by the department. This funding is considered  
17 a one-time funding item.

18 **SECTION 8.** A new section to chapter 4.1-01 of the North Dakota Century Code is created  
19 and enacted as follows:

20 **International business and trade office - Advisory board - Continuing appropriation.**

21 1. The commissioner shall administer the international business and trade office. The  
22 purpose of the office is to assist North Dakota businesses to expand exports to  
23 international markets by:

24 a. Advocating for exporters;

25 b. Offering export educational opportunities to North Dakota businesses;

26 c. Researching and raising awareness of export opportunities, issues, and  
27 challenges impacting North Dakota businesses;

28 d. Assisting North Dakota businesses in identifying, developing, and cultivating  
29 international markets for products; and

30 e. Organizing and carrying out trade missions that seek to facilitate contact and  
31 communication between North Dakota businesses and international markets.

1        2. The commissioner may designate a nonprofit corporation incorporated in this state  
2        which has the primary purpose of assisting North Dakota exporters or contract with a  
3        third party for the provision of services for the international business and trade office. If  
4        the commissioner designates a nonprofit corporation or contracts with a third party  
5        under this subsection, all data and databases collected and created by the third party  
6        in performing services for the office are the property of the department and the third  
7        party.

8        3. The commissioner may seek and accept any gift, grant, or donation of funds, property,  
9        services, or other assistance from public or private sources for the purpose of  
10       furthering the objectives of the international business and trade office. Any funds  
11       accepted under this subsection are appropriated to the commissioner on a continuing  
12       basis.

13       4. The commissioner may establish an international business and trade office advisory  
14       board with whom the commissioner may consult in administering the international  
15       business and trade office. Each member of the advisory board is entitled to receive  
16       per diem compensation at a rate established by the director not exceeding sixty-two  
17       dollars and fifty cents and reimbursement of expenses as provided by law for state  
18       officers, while attending meetings or performing duties directly related to board  
19       membership, except that per diem compensation under this section may not be paid to  
20       any member who receives compensation or salary as a regular state employee or  
21       official.

22       **SECTION 9. AMENDMENT.** Section 54-60-29 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24       **54-60-29. Unmanned aircraft systems program fund - Continuing appropriation.**

25       1. There is created in the state treasury a special fund known as the unmanned aircraft  
26       systems fund, which ~~must~~may be used to defray the expenses of the ~~operations~~;

27       a. ~~Operations~~ of an unmanned aircraft systems test site officially designated by the  
28       federal aviation administration;

29       b. ~~Beyond visual line of sight unmanned aircraft system program; and~~

30       c. ~~Enhanced use lease grant program.~~

1 2. The fund consists of fees collected for the administration of the test site and other  
2 funds appropriated by the legislative assembly. All moneys in the fund are  
3 appropriated to the department of commerce on a continuing basis for the purpose of  
4 defraying the expenses of the ~~unmanned aircraft systems program~~programs identified  
5 in subsection 1. Interest earned on moneys in the fund must be credited to the fund.

6 **SECTION 10. REPEAL.** Section 54-60-16 of the North Dakota Century Code is repealed.

7 **SECTION 11. EXEMPTION - BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT**  
8 **SYSTEM PROGRAM.** The amount of \$28,000,000 appropriated from the general fund in the  
9 grants line item for the beyond visual line of sight unmanned aircraft system program in  
10 section 27 of chapter 40 of the 2019 Session Laws is not subject to section 54-44.1-11 and is  
11 available for the program during the biennium beginning July 1, 2021, and ending June 30,  
12 2023. The department of commerce may provide grants of up to \$28,000,000, to the  
13 department of transportation, for the purpose of defraying tower infrastructure construction  
14 expenses of the beyond visual line of sight unmanned aircraft system program during the  
15 2021-23 biennium.

16 **SECTION 12. EXEMPTION - UNMANNED AIRCRAFT SYSTEM PROGRAM.** The amount  
17 of \$2,250,000 appropriated from the general fund in the operating expenses line item for the  
18 unmanned aircraft system program in section 27 of chapter 40 of the 2019 Session Laws is not  
19 subject to section 54-44.1-11 and is available for the program during the biennium beginning  
20 July 1, 2021, and ending June 30, 2023.

21 **SECTION 13. EXEMPTION - ENHANCED USE LEASE GRANT PROGRAM.** The amount  
22 of \$3,000,000 appropriated from the general fund in the grants line item for the enhanced use  
23 lease grant program in section 27 of chapter 40 of the 2019 Session Laws is not subject to  
24 section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2021,  
25 and ending June 30, 2023.

26 **SECTION 14. EXEMPTION - EARLY CHILDHOOD EDUCATION PROGRAM.** The amount  
27 of \$1,500,000 appropriated from the general fund in the operating expenses line item and  
28 grants line item for the early childhood education program in section 27 of chapter 40 of the  
29 2019 Session Laws is not subject to section 54-44.1-11 and is available for the program during  
30 the biennium beginning July 1, 2021, and ending June 30, 2023.

1       **SECTION 15. EXEMPTION - NONRESIDENT NURSE EMPLOYMENT RECRUITMENT**

2 **PROGRAM - ELIGIBILITY.** Of the \$500,000 appropriated from the general fund in the grants  
3 line item for the nonresident nurse employment recruitment program in section 27 of chapter 40  
4 of the 2019 Session Laws, \$320,000 is not subject to section 54-44.1-11 and is available for the  
5 program during the biennium beginning July 1, 2021, and ending June 30, 2023. In addition to  
6 the program eligibility guidelines established for the 2019-21 biennium, the department of  
7 commerce shall provide funding authorized in this section to eligible nursing students in the  
8 state who have not been employed by a health care provider on a full-time basis in the year  
9 preceding the grant award.

10       **SECTION 16. EXEMPTION - DISCRETIONARY FUNDS.** The amount of \$2,150,000  
11 appropriated from the general fund in the discretionary funds line item in section 27 of  
12 chapter 40 of the 2019 Session Laws is not subject to section 54-44.1-11 and is available for the  
13 program during the biennium beginning July 1, 2021, and ending June 30, 2023.