

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1014

Page 1, line 2, after "control" insert "; to create and enact a new section to chapter 6-09, relating to a Bank of North Dakota retention incentive program; to amend and reenact sections 6-09.7-05 and 54-17.7-01, subsections 3 and 4 of section 54-17.7-04, and section 54-63.1-01 of the North Dakota Century Code and section 8 of chapter 42 of the 2021 Session Laws, relating to fuel production facility loan guarantee reserve funding, the powers of the North Dakota pipeline authority, definitions for the clean sustainable energy authority, and a transfer of Bank of North Dakota profits to the general fund; to provide a contingent appropriation"

Page 1, line 2, remove the second "and"

Page 1, line 3, after "exemption" insert "; to provide for a report; and to declare an emergency"

Page 1, remove lines 13 through 24

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 7 with:

"

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$23,698,119	(\$21,226,883)	\$2,471,236
Operating expenses	5,119,958	(1,412,940)	3,707,018
Capital assets	0	1,250,000	1,250,000
Grants	0	33,623,893	33,623,893
Grants - bond payments	<u>22,040,721</u>	<u>97,839,192</u>	<u>119,879,913</u>
Total all funds	\$50,858,798	\$110,073,262	\$160,932,060
Less estimated income	<u>24,369,185</u>	<u>132,138,019</u>	<u>156,507,204</u>
Total general fund	\$26,489,613	(\$22,064,757)	\$4,424,856
Full-time equivalent positions	108.25	(98.50)	9.75

Subdivision 2.

DEPARTMENT OF MINERAL RESOURCES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$0	\$25,401,022	\$25,401,022
Operating expenses	0	11,410,044	11,410,044
Capital assets	<u>0</u>	<u>80,000</u>	<u>80,000</u>
Total all funds	\$0	\$36,891,066	\$36,891,066
Less estimated income	<u>0</u>	<u>2,568,000</u>	<u>2,568,000</u>
Total general fund	\$0	\$34,323,066	\$34,323,066
Full-time equivalent positions	0.00	108.00	108.00

Subdivision 3.

BANK OF NORTH DAKOTA

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Bank of North Dakota operations	\$67,306,548	\$7,421,138	\$74,727,686
Capital assets	<u>1,510,000</u>	<u>0</u>	<u>1,510,000</u>
Total special funds	\$68,816,548	\$7,421,138	\$76,237,686
Full-time equivalent positions	173.00	14.00	187.00

Subdivision 4.

HOUSING FINANCE AGENCY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,556,272	\$2,613,470	\$12,169,742
Operating expenses	6,109,060	4,629,181	10,738,241
Capital assets	150,000	(130,000)	20,000
Grants	42,975,200	5,829,910	48,805,110
Housing finance agency contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total all funds	\$58,890,532	\$12,942,561	\$71,833,093
Less estimated income	<u>58,890,532</u>	<u>10,442,561</u>	<u>69,333,093</u>
Total general fund	\$0	\$2,500,000	\$2,500,000
Full-time equivalent positions	49.00	4.00	53.00

Subdivision 5.

MILL AND ELEVATOR ASSOCIATION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$50,560,209	\$7,022,585	\$57,582,794
Operating expenses	36,817,000	5,574,653	42,391,653
Contingencies	500,000	0	500,000
Agriculture promotion	<u>500,000</u>	<u>0</u>	<u>500,000</u>
Total special funds	\$88,377,209	\$12,597,238	\$100,974,447
Full-time equivalent positions	156.00	14.00	170.00

Subdivision 6.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$26,489,613	\$14,758,309	\$41,247,922
Grand total special funds	<u>240,453,474</u>	<u>165,166,956</u>	<u>405,620,430</u>
Grand total all funds	\$266,943,087	\$179,925,265	\$446,868,352"

Page 3, line 8, after "**FUNDING**" insert "**EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 3, line 9, after "biennium" insert "and the 2023-25 one-time funding items included in the appropriation in section 1 of this Act"

Page 3, replace lines 11 through 24 with:

"Administration - transfer to clean sustainable energy fund \$25,000,000 \$0

Administration - pipeline grant fund	150,000,000	0
Administration - hydrogen grants	20,000,000	0
Administration - new employee expenses	0	12,110
Administration - transmission authority consulting	0	300,000
Administration - electricity grid resilience federal grant	0	8,623,893
Administration - lignite litigation expenses	0	3,000,000
Administration - transmission line grant	0	25,000,000
Administration - grant management software	0	1,250,000
Mineral resources - paleontology and geological equipment	106,260	0
Mineral resources - abandoned well conversion program	3,200,000	0
Mineral resources - new employee expenses	0	68,335
Mineral resources - inflationary expenses	0	821,456
Mineral resources - core and mineral analyses	0	100,000
Mineral resources - computer server transition	0	80,000
Mineral resources - abandoned well reclamation	0	2,300,000
Mineral resources - oil and gas litigation expenses	0	3,000,000
Bank of North Dakota - contingent loan repayment	17,500,000	0
Bank of North Dakota - bond proceed allocation	680,000,000	0
Bank of North Dakota - agriculture diversification fund	10,000,000	0
Bank of North Dakota - fuel production incentives	21,000,000	0
Bank of North Dakota - information technology projects	0	804,278
Housing finance agency - housing incentive fund	9,500,000	0
Housing finance agency - housing assessment	<u>35,000</u>	<u>0</u>
Total all funds	\$936,341,260	\$45,360,072
Less estimated income	<u>874,235,000</u>	<u>8,744,647</u>
Total general fund	\$62,106,260	\$36,615,425"

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

Page 3, line 25, replace "\$22,040,721" with "\$119,879,913"

Page 3, remove lines 28 through 31

Page 4, replace lines 1 through 9 with:

"Infrastructure project and program bonds - legacy earnings fund	\$102,620,461
North Dakota university system	15,021,771
North Dakota university system - energy conservation projects	207,649
Department of corrections and rehabilitation	143,375
Office of management and budget	283,875
Attorney general's office	330,000
State historical society	592,375
Parks and recreation department	30,950
Agriculture research and extension service	242,205
Veterans' home	<u>407,252</u>
Total	\$119,879,913"

Page 4, after line 16, insert:

**"SECTION 5. APPROPRIATION - TRANSFER - 2021-23 BIENNIUM -
DEPARTMENT OF MINERAL RESOURCES - FULL-TIME EQUIVALENT
POSITIONS.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$62,460, or so much of the sum as may be necessary, to the department of mineral resources for the purpose of employing full-time equivalent carbon capture positions for the period beginning with the effective date of this Act and ending June 30, 2023. The department is authorized three full-time equivalent positions pursuant to this subsection.
2. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000, which the office of management and budget shall transfer to the fossil excavation and restoration fund during the period beginning with the effective date of this Act and ending June 30, 2023.

SECTION 6. APPROPRIATION - TRANSFER - FOSSIL RESTORATION FUND - HOUSING INCENTIVE FUND - ONE-TIME FUNDING.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, which the office of management and budget shall transfer to the fossil excavation and restoration fund during the biennium beginning July 1, 2023, and ending June 30, 2025.
2. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$12,500,000, which the office of management and budget shall transfer to the housing incentive fund during the biennium beginning July 1, 2023, and ending June 30, 2025.
3. The funding provided in this section is considered a one-time funding item.

SECTION 7. CONTINGENT FUNDING - HOUSING FINANCE AGENCY. The sum of \$82,068 from other funds and one full-time equivalent position included in subdivision 4 of section 1 of this Act are available only in accordance with the provisions of this section. If mortgage loan production for the fiscal year ended June 30, 2024, exceeds \$435,000,000, the housing finance agency may spend \$82,068 from the salaries and wages line item and may hire one full-time equivalent position. The housing finance agency shall notify the office of management and budget and the legislative council if the contingency is met."

Page 4, line 18, after "**FUND**" insert "**- EXEMPTION**"

Page 4, line 18, after the boldfaced period insert "1."

Page 4, line 18, replace "\$1,214,768" with "\$1,899,877"

Page 4, line 24, after "54-17-25" insert ".

2. The amount of \$1,214,768 appropriated to the industrial commission in subdivision 1 of section 1 of chapter 42 of the 2021 Session Laws and transferred pursuant to section 7 of chapter 42 of the 2021 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the industrial commission for administrative services rendered by the commission during the biennium beginning July 1, 2023, and ending June 30, 2025"

Page 4, after line 24, insert:

"SECTION 9. TRANSFER - FUNDS UNDER THE CONTROL OF THE INDUSTRIAL COMMISSION TO INDUSTRIAL COMMISSION FUND. The sum of \$1,250,000, or so much of the sum as may be necessary, included in the appropriation in subdivision 1 of section 1 of this Act, may be transferred from funds under the control of the industrial commission to the industrial commission fund for grant management software expenses. Of the \$1,250,000, the industrial commission may transfer:

1. Up to \$250,000 from the clean sustainable energy fund;
2. Up to \$250,000 from the lignite research fund;
3. Up to \$250,000 from the oil and gas research fund;
4. Up to \$250,000 from the North Dakota outdoor heritage fund; and
5. Up to \$250,000 from the renewable energy development fund."

Page 4, line 26, replace "industrial commission" with "Bank of North Dakota"

Page 4, line 26, replace "\$140,000,000" with "\$70,000,000"

Page 4, line 26, after the first "the" insert "Bank's"

Page 4, line 26, remove the second "the"

Page 4, line 27, replace "accumulated" with "undivided"

Page 4, line 27, remove "of the Bank of North Dakota"

Page 5, replace lines 1 through 19 with:

"SECTION 11. TRANSFER - BANK OF NORTH DAKOTA PROFITS TO ECONOMIC DEVELOPMENT PROGRAMS. During the biennium beginning July 1, 2023, and ending June 30, 2025, the Bank of North Dakota shall transfer the following amounts from the Bank's current earnings and undivided profits:

1. \$39,000,000 to the partnership in assisting community expansion fund;
2. \$5,000,000 to the agriculture partnership in assisting community expansion fund;
3. \$1,000,000 to the biofuels partnership in assisting community expansion fund;
4. \$15,000,000 to the beginning farmer revolving loan fund; and
5. \$3,000,000 to the agricultural products utilization fund.

SECTION 12. TRANSFER - LEGACY EARNINGS FUND - PIPELINE LEAK DETECTION AND PREVENTION PROGRAM - CLEAN SUSTAINABLE ENERGY GRANTS AND LOANS. During the biennium beginning July 1, 2023, and ending June 30, 2025, and pursuant to the designation of funding for other legislative purposes under subdivision c of subsection 4 of section 21-10-13, the state treasurer shall transfer the following amounts from the legacy earnings fund:

1. \$5,000,000 to the oil and gas research fund for a pipeline leak detection and prevention program;
2. \$50,000,000 to the clean sustainable energy fund for grants; and
3. \$250,000,000 to the clean sustainable energy fund to repay a line of credit and to provide funding for loans.

SECTION 13. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO STATE ENERGY RESEARCH CENTER FUND - RARE EARTH MINERALS STUDY - REPORT TO LEGISLATIVE MANAGEMENT.

1. The office of management and budget shall transfer the sum of \$3,000,000 from the strategic investment and improvements fund to the state energy research center fund during the biennium beginning July 1, 2023, and ending June 30, 2025.
2. Pursuant to the continuing appropriation under section 57-51.1-07.9, the industrial commission shall distribute up to \$3,000,000 from the state energy research center fund to the state energy research center for a study related to prospective in-state resources of economically feasible accumulations of critical minerals, including rare earth elements and other high-value minerals or materials that may be suitable for extraction and enrichment.
3. The study must include a review of in-state mineral accumulations, including coal deposits, ore bodies, oil and gas reservoirs, produced water from oil and gas development activities, saltwater zones, and shale formations. While conducting the study, the state energy research center shall collaborate with the North Dakota geological survey and active mineral lessors and developers.
4. During the 2023-24 interim, the state energy research center shall provide at least one report to the legislative management regarding the study.

SECTION 14. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO STATE ENERGY RESEARCH CENTER FUND - UNDERGROUND ENERGY STORAGE RESEARCH PROJECT - REPORT TO LEGISLATIVE MANAGEMENT.

1. The office of management and budget shall transfer the sum of \$22,000,000 from the strategic investment and improvements fund to the state energy research center fund.
2. Pursuant to the continuing appropriation authority under section 57-51.1-07.9, the industrial commission shall distribute up to \$22,000,000 from the state energy research center fund to the state energy research center for a salt cavern underground energy storage research project.
3. The research project must include construction of up to two salt caverns in geological formations in North Dakota for the development of underground storage of energy resources, including natural gas, liquified natural gas, natural gas liquids, and hydrogen. The state energy research center may collaborate with other entities as needed on the research project. Prior to distributing the funding, the industrial commission must receive, from at

least one nonstate entity, assurance of financial or other types of support that demonstrate a commitment to the research project.

4. During the 2023-24 interim, the state energy research center shall provide quarterly reports to the industrial commission and at least one report to the legislative management regarding the status and results of the research project.

SECTION 15. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSMISSION LINE GRANT. The sum of \$25,000,000 included in the grants line item and the estimated income line item in subdivision 1 of section 1 of this Act and identified as one-time funding in section 2 of this Act is from the strategic investment and improvements fund. The industrial commission shall use the funding to provide a grant, based on the recommendation of the North Dakota transmission authority, to an entity for a project to upgrade a high-voltage direct current transmission line. A grant may be awarded only if the project to upgrade a transmission line has been approved by the public service commission."

Page 5, line 21, after "**STUDY**" insert "**- REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 5, line 21, remove "The amount of \$4,500,000 from the lignite"

Page 5, line 22, replace "research fund, or so much of the amount as may be necessary," with:

- "1. Pursuant to the continuing appropriation under section 57-61-01.6, up to \$4,500,000 from the lignite research fund"

Page 5, line 28, replace "appropriated pursuant to" with "designated under"

Page 6, after line 5, insert:

- "2. The industrial commission shall report to the appropriations committees of the sixty-ninth legislative assembly on the amounts spent pursuant to this section."

Page 6, replace lines 6 through 12 with:

SECTION 17. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Employee recruitment and retention incentive program - Report to legislative management.

The Bank of North Dakota may develop an employee recruitment and retention incentive program that promotes profitability and productivity. The provisions of the program must be approved annually by the Bank of North Dakota advisory board of directors and the industrial commission. The provisions must ensure that the amount available for program funding does not exceed one percent of the Bank's annual profits and that program may receive funding only if the Bank's profits exceed one hundred million dollars for the year. Each interim, the Bank shall provide at least one report to the legislative management regarding the status of the program, including the provisions of the program; the total amount of the Bank's profits used to fund the program; the total amount of incentives paid out to employees each year; and the minimum, maximum, and average payout per eligible full-time equivalent position.

SECTION 18. AMENDMENT. Section 6-09.7-05 of the North Dakota Century Code is amended and reenacted as follows:

6-09.7-05. Establishment and maintenance of adequate guarantee funds - Use of strategic investment and improvements fund.

The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The Bank may request the director of the office of management and budget to transfer funds from the strategic investment and improvements fund created by section 15-08.1-08 to maintain one hundred percent of the guarantee reserve fund balance. Transfers from the strategic investment and improvements fund may not exceed a total of eightyone hundred forty million dollars. Moneys in the guarantee reserve fund are available to reimburse lenders, including the Bank, for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program must be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula that will assure, as determined by the Bank, an adequate amount of reserve.

SECTION 19. AMENDMENT. Section 54-17.7-01 of the North Dakota Century Code is amended and reenacted as follows:

54-17.7-01. North Dakota pipeline authority - Legislative intent.

There is created the North Dakota pipeline authority, which shall be governed by the industrial commission. It is the intent of the legislative assembly that the pipeline authority consider the operations, finances, and market positions of private entities engaged in pipeline activities while carrying out the purposes of this chapter to avoid competing with private entities to the extent possible.

SECTION 20. AMENDMENT. Subsection 3 of section 54-17.7-04 of the North Dakota Century Code is amended and reenacted as follows:

3. Acquire, purchase, hold, use, lease, license, sell, transfer, and dispose of an undivided or other interest in or the right to capacity in any pipeline system or systems, including interconnection of pipeline systems, within or without the state of North Dakota in order to facilitate the production, transportation, distribution, or delivery of energy-related commodities produced in North Dakota ~~as a purchaser of last resort. The obligation of the state may not exceed ten percent of the pipeline authority's acquisition or purchase of a right to capacity in any pipeline system or systems, or interconnection of pipeline systems, and the state's obligation is limited to the funding available from the oil and gas research fund.~~ If the authority acquires, purchases, holds, uses, or leases capacity positions, the authority shall sell, transfer, release, or dispose of the capacity positions at intervals that are no more frequent than monthly and in an amount that is equal to or greater than the market rate, but only if the sale, transfer, release, or disposal of the capacity positions is sufficient to cover the expenses and obligations incurred. The authority's contract obligations for the capacity positions are limited to the capacity rates, charges, and terms.

SECTION 21. AMENDMENT. Subsection 4 of section 54-17.7-04 of the North Dakota Century Code is amended and reenacted as follows:

4. Borrow money and issue evidences of indebtedness as provided in this chapter, including borrowing from the Bank of North Dakota.
 - a. The authority may borrow up to sixty million dollars through a line of credit from the Bank. The interest rate on the line of credit must be the prevailing interest rate charged to North Dakota governmental entities.
 - b. The line of credit must be guaranteed by reserves under section 6-09.7-05.
 - c. The line of credit may be used to support activities under subsection 3.
 - d. The authority shall repay the line of credit from amounts available. If the amounts available on June 30, 2025, are not sufficient to repay the line of credit, the authority shall notify the director of the office of management and budget, and the director of the office of management and budget shall transfer funds from the strategic investment and improvements fund to the Bank for the repayment pursuant to section 6-09.7-05 based on the amount certified by the Bank.

SECTION 22. AMENDMENT. Section 54-63.1-01 of the North Dakota Century Code is amended and reenacted as follows:

54-63.1-01. Definitions.

As used in this chapter:

1. "Authority" means the clean sustainable energy authority.
2. "Clean" means a technology or concept that reduces emissions to the air, water, or land and meets or exceeds state and federal environmental regulations.
3. "Commission" means the industrial commission.
4. "Fund" means the clean sustainable energy fund.
5. "Program" means the clean sustainable energy program.
6. "Sustainable" means a technology or concept that allows the use of a natural resource, including hydrogen and other energy sources, to be maintained or enhanced through increased efficiency and life cycle benefits while either increasing or not adversely impacting energy security, affordability, reliability, resilience, or national security.

SECTION 23. AMENDMENT. Section 8 of chapter 42 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 8. TRANSFER - BANK OF NORTH DAKOTA PROFITS TO GENERAL FUND. The industrial commission shall transfer to the general fund ~~\$140,000,000~~\$70,000,000 from the current earnings and the

accumulated profits of the Bank of North Dakota during the biennium beginning July 1, 2021, and ending June 30, 2023. The moneys must be transferred in the amounts and at the times requested by the director of the office of management and budget after consultation with the Bank of North Dakota president. For legislative council budget status reporting purposes, the transfer under this section is considered an ongoing revenue source.

SECTION 24. EXEMPTION - MILL AND ELEVATOR ASSOCIATION PROFITS ANNUAL TRANSFER. Notwithstanding the provisions of section 54-18-19 relating to the annual transfer of mill and elevator association profits to the general fund, for the biennium beginning July 1, 2023, and June 30, 2025, the industrial commission shall transfer ten percent of the mill and elevator association profits to the general fund.

SECTION 25. EXEMPTION - OIL AND GAS TAX REVENUE ALLOCATIONS - NORTH DAKOTA OUTDOOR HERITAGE FUND - OIL AND GAS RESEARCH FUND.

1. Notwithstanding the provisions of section 57-51-15 relating to the allocations to the North Dakota outdoor heritage fund, for the period beginning September 1, 2023, and ending August 31, 2025, the state treasurer shall allocate eight percent of the oil and gas gross production tax revenue available under subsection 1 of section 57-51-15 to the North Dakota outdoor heritage fund, but not in an amount exceeding \$7,500,000 per fiscal year.
2. Notwithstanding the provisions of section 57-51.1-07.3 relating to the allocations to the oil and gas research fund, for the period beginning August 1, 2023, and ending July 31, 2025, the state treasurer shall allocate two percent of the oil and gas gross production tax and oil extraction tax revenues, up to \$14,500,000, into the oil and gas research fund before allocating oil and gas tax revenues under sections 57-51.1-07.5, 57-51.1-07.9, and 57-51.1-07.10.

SECTION 26. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of \$3,200,000 appropriated from the federal state fiscal recovery fund for an abandoned oil well conversion to water supply grant program in subsection 2 of section 1 of chapter 550 of the 2021 Special Session Session Laws;
2. The sum of \$20,000,000 appropriated from the federal state fiscal recovery fund for hydrogen development grants in subsection 36 of section 1 of chapter 550 of the 2021 Special Session Session Laws; and
3. The sum of \$800,000 appropriated from the strategic investment and improvements fund in section 2 of chapter 426 of the 2017 Session Laws and continued into the 2019-21 biennium pursuant to section 27 of chapter 14 of the 2019 Session Laws and into the 2021-23 biennium pursuant to section 33 of chapter 42 of the 2021 Session Laws.

SECTION 27. EMERGENCY. The following are declared to be an emergency measure:

1. The sum of \$3,000,000 from the general fund in the operating expenses line item included in subdivision 1 of section 1 of this Act and identified as one-time funding in section 2 of this Act for lignite litigation expenses.
2. The sum of \$3,000,000 from the general fund in the operating expenses line item included in subdivision 2 of section 2 of this Act and identified as one-time funding in section 2 of this Act for oil and gas litigation expenses.
3. The sum of \$230,000 from the general fund in the operating expenses line item included in subdivision 2 of section 1 of this Act for computer server transition.
4. The sum of \$80,000 from the general fund in the operating expenses line item included in subdivision 2 of section 1 of this Act and identified as one-time funding in section 2 of this Act for computer server transition.
5. Section 5 of this Act.
6. Section 23 of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Summary of House Action

	Base Budget	House Changes	House Version
Industrial Commission			
Total all funds	\$50,858,798	\$110,073,262	\$160,932,060
Less estimated income	24,369,185	132,138,019	156,507,204
General fund	<u>\$26,489,613</u>	(\$22,064,757)	<u>\$4,424,856</u>
FTE	108.25	(98.50)	9.75
Department of Mineral Resources			
Total all funds	\$0	\$37,141,066	\$37,141,066
Less estimated income	0	2,568,000	2,568,000
General fund	<u>\$0</u>	\$34,573,066	<u>\$34,573,066</u>
FTE	0.00	108.00	108.00
Bank of North Dakota			
Total all funds	\$68,816,548	\$7,421,138	\$76,237,686
Less estimated income	68,816,548	7,421,138	76,237,686
General fund	<u>\$0</u>	\$0	<u>\$0</u>
FTE	173.00	14.00	187.00
Housing Finance Agency			
Total all funds	\$58,890,532	\$25,442,561	\$84,333,093
Less estimated income	58,890,532	10,442,561	69,333,093
General fund	<u>\$0</u>	\$15,000,000	<u>\$15,000,000</u>
FTE	49.00	4.00	53.00
Mill and Elevator			
Total all funds	\$88,377,209	\$12,597,238	\$100,974,447
Less estimated income	88,377,209	12,597,238	100,974,447
General fund	<u>\$0</u>	\$0	<u>\$0</u>
FTE	156.00	14.00	170.00
Bill total			
Total all funds	\$266,943,087	\$192,675,265	\$459,618,352

Less estimated income	240,453,474	165,166,956	405,620,430
General fund	\$26,489,613	\$27,508,309	\$53,997,922
FTE	486.25	41.50	527.75

House Bill No. 1014 - Industrial Commission - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$23,698,119	(\$21,226,883)	\$2,471,236
Operating expenses	5,119,958	(1,412,940)	3,707,018
Capital assets		1,250,000	1,250,000
Grants		33,623,893	33,623,893
Grants - Bond payments	22,040,721	97,839,192	119,879,913
Total all funds	\$50,858,798	\$110,073,262	\$160,932,060
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General fund	\$26,489,613	(\$22,064,757)	\$4,424,856
FTE	108.25	(98.50)	9.75

Department 405 - Industrial Commission - Detail of House Changes

	Adjusts Funding to Separate Agencies ¹	Adds Funding for Cost to Continue Salaries ²	Adds Funding for Salary and Benefit Increases ³	Adds FTE Positions ⁴	Transfers Funding from Operating to Salaries ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	(\$22,095,326)	\$8,697	\$149,321	\$612,547	\$97,878	
Operating expenses	(4,632,291)			3,363	(97,878)	\$3,313,866
Capital assets						
Grants						
Grants - Bond payments						
Total all funds	(\$26,727,617)	\$8,697	\$149,321	\$615,910	\$0	\$3,313,866
Less estimated income	(238,004)	8,697	149,321	615,910	0	13,866
General fund	(\$26,489,613)	\$0	\$0	\$0	\$0	\$3,300,000
FTE	(101.50)	0.00	0.00	3.00	0.00	0.00

	Adds Funding for Bond Payments ⁷	Adds One-Time Funding for Capital Assets ⁸	Adds One-Time Funding for Grants ⁹	Total House Changes
Salaries and wages				(\$21,226,883)
Operating expenses				(1,412,940)
Capital assets		\$1,250,000		1,250,000
Grants			\$33,623,893	33,623,893
Grants - Bond payments	\$97,839,192			97,839,192
Total all funds	\$97,839,192	\$1,250,000	\$33,623,893	\$110,073,262
Less estimated income	97,839,192	1,250,000	32,499,037	132,138,019
General fund	\$0	\$0	\$1,124,856	(\$22,064,757)
FTE	0.00	0.00	0.00	(98.50)

¹ Funding of \$26,727,617, including \$26,489,613 from the general fund and \$238,004 from federal funds, and 101.50 FTE positions are removed from base level funding to provide a separate budget for the Department of Mineral Resources.

² Funding from other funds is added for cost to continue salary increases.

³ The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$0	\$107,229	\$107,229
Health insurance increase	0	42,092	42,092
Total	\$0	\$149,321	\$149,321

⁴ Funding of \$615,910 from other funds is added as follows:

- \$182,321 for 1 FTE grant administration position, including \$178,958 for salaries and wages and \$3,363 for operating expenses.
- \$132,646 for 1 FTE deputy director position for the Public Finance Agency, all of which is for salaries and wages.
- \$300,943 for 1 FTE administrative assistant position, all of which is for salaries and wages.

⁵ Funding of \$97,878 is transferred from the operating expenses line item to the salaries and wages line item related to cost-savings from operating expenses and increases in salaries.

⁶ Funding of \$3,313,866 is added for operating expenses as follows:

- \$1,756 of ongoing funding from other funds for Information Technology Department rate increases;
- \$12,110 of one-time funding from other funds for equipment for new FTE positions;
- \$300,000 of one-time funding from the general fund for North Dakota Transmission Authority consulting; and
- \$3,000,000 of one-time funding from the general fund for lignite litigation expenses.

⁷ Funding of \$97,839,192 from other funds is added for bond payments to provide total funding of \$119,879,913, including \$102,620,461 for infrastructure project and program bonds paid from the legacy earnings fund.

⁸ One-time funding of \$1,250,000 from other funds is added for grant management software. The \$1,250,000 includes \$250,000 from the clean sustainable energy fund, \$250,000 from the lignite research fund, \$250,000 from the oil and gas research fund, \$250,000 from the North Dakota outdoor heritage fund, and \$250,000 from the renewable energy development fund.

⁹ One-time funding of \$33,623,893 is added for grants as follows:

- \$8,623,893 for an electric grid resilience grant, including \$1,124,856 from the general fund and \$7,499,037 from federal funds.
- \$25,000,000 from the strategic investment and improvements fund for a transmission line grant.

This amendment also includes the following related to the Industrial Commission:

- Identifies the funding for bond payments for the 2023-25 biennium.
- Transfers up to \$1,899,877 from the entities under the control of the Industrial Commission for administrative services and provides an exemption allowing unspent prior biennium appropriation authority for administrative costs to be available in the 2023-25 biennium.
- Allows the Industrial Commission to transfer up to \$250,000 from each of the grant programs to provide a total of \$1,250,000 for new grant management software.
- Transfers \$5 million from the legacy earnings fund to the oil and gas research fund for a pipeline leak detection and prevention program.
- Transfers \$50 million from the legacy earnings fund to the clean sustainable energy fund to provide total funding of \$50 million for grants, including \$30 million designated from the legacy earnings fund to the clean sustainable energy fund under current law.
- Transfers \$250 million from the legacy earnings fund to the clean sustainable energy fund to repay a line of credit and to provide funding for loans.
- Transfers \$3 million from the strategic investment and improvements fund to the State Energy Research Center fund for a critical minerals study, including rare earth elements.
- Transfers \$22 million from the strategic investment and improvements fund to the State Energy Research Center fund for an underground energy storage research project to construct up to two salt caverns.
- Identifies \$25 million from the strategic investment and improvements fund for a grant to an entity to upgrade a high-voltage direct current transmission line.
- Requires the Industrial Commission to provide a report to the Appropriations Committees of the 69th Legislative Assembly regarding spending from the lignite research fund.
- Authorizes the North Dakota Pipeline Authority to borrow up to \$60 million through a line of credit from the Bank of North Dakota to purchase capacity positions on a pipeline and requires the line of credit to be guaranteed under the fuel production facility loan guarantee program.
- Clarifies the definition of clean sustainable energy projects to identify hydrogen projects as eligible projects.
- Provides an exemption allowing unspent federal funding authorized during the November 2021 special legislative session to be available in the 2023-25 biennium related to a hydrogen development grant.
- Provides an emergency clause related to \$3 million of one-time funding from the general fund for lignite litigation.

House Bill No. 1014 - Department of Mineral Resources - House Action

	Base Budget	House Changes	House Version
Salaries and wages		\$25,401,022	\$25,401,022
Operating expenses		11,410,044	11,410,044
Capital assets		80,000	80,000
Transfer to fossil restoration fund		250,000	250,000
Total all funds	\$0	\$37,141,066	\$37,141,066
Less estimated income	0	2,568,000	2,568,000
General fund	\$0	\$34,573,066	\$34,573,066
FTE	0.00	108.00	108.00

Department 470 - Department of Mineral Resources - Detail of House Changes

	Adjusts Funding to Separate Agencies ¹	Adds Funding for Cost to Continue Salaries ²	Adds Funding for Salary and Benefit Increases ³	Adds FTE Positions ⁴	Adds Funding for Other Salary Adjustments ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	\$22,095,326	\$167,219	\$1,772,281	\$1,284,293	\$81,903	
Operating expenses	4,632,291			156,726	(6,907)	\$6,627,934
Capital assets						
Transfer to fossil restoration fund						
Total all funds	\$26,727,617	\$167,219	\$1,772,281	\$1,441,019	\$74,996	\$6,627,934
Less estimated income	238,004	0	0	0	29,996	2,300,000
General fund	\$26,489,613	\$167,219	\$1,772,281	\$1,441,019	\$45,000	\$4,327,934
FTE	101.50	0.00	0.00	6.50	0.00	0.00

	Adds One-Time Funding for Capital Assets ⁷	Adds Funding for Fossil Restoration Fund ⁸	Total House Changes
Salaries and wages			\$25,401,022
Operating expenses			11,410,044
Capital assets	\$80,000		80,000
Transfer to fossil restoration fund		\$250,000	250,000
Total all funds	\$80,000	\$250,000	\$37,141,066
Less estimated income	0	0	2,568,000
General fund	\$80,000	\$250,000	\$34,573,066
FTE	0.00	0.00	108.00

¹ Funding of \$26,727,617, including \$26,489,613 from the general fund and \$238,004 from federal funds, and 101.50 FTE positions are added to base level funding to provide a separate budget for the Department of Mineral Resources.

² Funding from the general fund is added for cost to continue salary increases.

³ The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,195,296	\$0	\$1,195,296
Health insurance increase	576,985	0	576,985
Total	\$1,772,281	\$0	\$1,772,281

⁴ Funding of \$1,441,019 from the general fund is added as follows:

- \$760,911 for 3 FTE carbon capture positions, including \$715,134 for salaries and wages and \$45,777 for operating expenses.
- \$196,610 for 1 FTE paleontology position, including \$167,102 for salaries and wages and \$29,508 for

operating expenses.

- \$276,523 for 1 FTE critical minerals position, including \$216,028 for salaries and wages and \$60,495 for operating expenses.
- \$69,497 for 0.5 FTE records management position, including \$66,334 for salaries and wages and \$3,163 for operating expenses.
- \$137,478 for 1 FTE subsurface geologist position, including \$119,695 for salaries and wages and \$17,783 for operating expenses.

⁵ Funding of \$6,907 is transferred from the operating expenses line item to the salaries and wages line item related to cost-savings from operating expenses and increases in salaries. Funding of \$74,996 is added as follows:

- \$45,000 from the general fund for temporary salaries.
- \$29,996 from federal funds for additional salary fund.

⁶ Funding of \$6,627,934 is added for operating expenses as follows:

- \$3,143 of ongoing funding from the general fund for Information Technology Department rate increases.
- \$230,000 of ongoing funding from the general fund for computer server transition.
- \$105,000 of ongoing funding from the general fund for professional membership dues.
- \$68,335 of one-time funding from the general fund for equipment for new FTE positions.
- \$821,456 of one-time funding from the general fund for inflationary increases.
- \$100,000 of one-time funding from the general fund for core and mineral analyses.
- \$2,300,000 of one-time funding from federal funds for administrative costs related to a federal abandoned well reclamation program.
- \$3,000,000 of one-time funding from the general fund for oil and gas litigation expenses.

⁷ One-time funding of \$80,000 from the general fund is added for computer server transition costs.

⁸ Funding of \$250,000 is appropriated from the general fund for a transfer to the fossil excavation and restoration fund pursuant to a separate section in the bill.

This amendment also includes the following related to the Department of Mineral Resources:

- Appropriates \$62,460 from the general fund and authorizes 3 FTE carbon capture positions for the 2021-23 biennium pursuant to an emergency clause. As a result, the general fund beginning balance is decreased by \$62,460.
- Transfers \$15,000 from the general fund to the fossil excavation and restoration fund prior to the end of the 2021-23 biennium pursuant to an emergency clause. As a result, the general fund beginning balance is decreased by \$15,000.
- Transfers \$250,000 from the general fund to the fossil excavation and restoration fund during the 2023-25 biennium.
- Decreases the oil and gas tax revenue allocation limit to the North Dakota outdoor heritage fund from \$20 million per fiscal year to \$7.5 million per fiscal year for the 2023-25 biennium, the same as the 2021-23 biennium.
- Increases the allocations to the oil and gas research fund by \$4.5 million, from \$10 million to \$14.5 million for the 2023-25 biennium, the same as the 2021-23 biennium.
- Provides an exemption allowing unspent federal funding authorized during the November 2021 special legislative session to be available in the 2023-25 biennium related to an abandoned oil well conversion program.
- Provides an exemption allowing the Industrial Commission to continue unspent 2017-19 biennium appropriation authority from the strategic investment and improvements fund for a survey review during the 2023-25 biennium.
- Provides an emergency clause-related \$3,000,000 for oil and gas litigation expenses and \$310,000 for computer server transition costs.

House Bill No. 1014 - Bank of North Dakota - House Action

	Base Budget	House Changes	House Version
Capital assets	\$1,510,000		\$1,510,000
Bank of North Dakota operations	67,306,548	\$7,421,138	74,727,686
Total all funds	\$68,816,548	\$7,421,138	\$76,237,686
Less estimated income	68,816,548	7,421,138	76,237,686
General fund	\$0	\$0	\$0
FTE	173.00	14.00	187.00

Department 471 - Bank of North Dakota - Detail of House Changes

	Adds Funding for Cost to Continue Salaries¹	Adds Funding for Salary and Benefit Increases²	Adds FTE Positions³	Adds Funding for Operating Expenses⁴	Total House Changes
Capital assets					
Bank of North Dakota operations	\$280,646	\$2,779,348	\$3,106,682	\$1,254,462	\$7,421,138
Total all funds	\$280,646	\$2,779,348	\$3,106,682	\$1,254,462	\$7,421,138
Less estimated income	280,646	2,779,348	3,106,682	1,254,462	7,421,138
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	14.00	0.00	14.00

¹ Funding from other funds is added for cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$0	\$1,896,264	\$1,896,264
Health insurance increase	0	883,084	883,084
Total	\$0	\$2,779,348	\$2,779,348

³ Funding of \$3,106,682 from other funds is added to the Bank of North Dakota operations line item as follows:

- \$253,976 for 1 FTE credit underwriter IV position.
- \$290,214 for 1 FTE agricultural valuation supervisor position.
- \$222,652 for 1 FTE credit underwriter III position.
- \$290,214 for 1 FTE commercial valuation supervisor position.
- \$217,735 for 1 FTE collateral valuation III position.
- \$253,976 for 1 FTE collateral valuation analyst IV position.
- \$253,976 for 1 FTE collateral valuation IV position.
- \$222,652 for 1 FTE loan operations supervisor position.
- \$188,381 for 1 FTE loan servicing supervisor position.
- \$139,104 for 1 FTE business banking associate I position.
- \$139,104 for 1 FTE loan servicing associate II position.
- \$159,414 for 1 FTE loan servicing associate III position.
- \$257,933 for 1 FTE business banking associate II position.
- \$217,351 for 1 FTE staff accountant III position.

⁴ Funding of \$1,254,462 from other funds is added for operating expenses as follows:

- \$44,660 for shared software and service rate increases.
- \$405,524 for Information Technology Department rate increases.
- \$804,278 for one-time costs related to information technology projects.

This amendment also includes the following related to the Bank of North Dakota:

- Transfers \$70 million of Bank profits to the general fund.
- Transfers \$39 million of Bank profits to the partnership in assisting community expansion (PACE) fund.
- Transfers \$5 million of Bank profits to the Ag PACE fund.

- Transfers \$1 million of Bank profits to the biofuels PACE fund.
- Transfers \$15 million of Bank profits to the beginning farmer revolving loan fund.
- Transfers \$3 million of Bank profits to the agricultural products utilization fund.
- Creates an employee recruitment and retention incentive program allowing the Bank to provide incentive pay to employees using Bank of North Dakota profits.
- Amends the transfer of Bank profits to the general fund for the 2021-23 biennium to provide a transfer of \$70 million rather than \$140 million, resulting in a decrease to the July 1, 2023, general fund balance.

House Bill No. 1014 - Housing Finance Agency - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$9,556,272	\$2,613,470	\$12,169,742
Operating expenses	6,109,060	4,629,181	10,738,241
Capital assets	150,000	(130,000)	20,000
Grants	42,975,200	5,829,910	48,805,110
HFA contingencies	100,000		100,000
Housing incentive fund		12,500,000	12,500,000
Total all funds	\$58,890,532	\$25,442,561	\$84,333,093
Less estimated income	58,890,532	10,442,561	69,333,093
General fund	\$0	\$15,000,000	\$15,000,000
FTE	49.00	4.00	53.00

Department 473 - Housing Finance Agency - Detail of House Changes

	Adds Funding for Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Positions ³	Adds Funding for Other Salary Adjustments ⁴	Transfers Homeless Grant Programs ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	\$75,908	\$807,354	\$767,568	\$878,102	\$84,538	
Operating expenses					62,803	\$4,566,378
Capital assets						
Grants					2,570,212	
HFA contingencies						
Housing incentive fund						
Total all funds	\$75,908	\$807,354	\$767,568	\$878,102	\$2,717,553	\$4,566,378
Less estimated income	75,908	807,354	767,568	878,102	1,147,341	4,566,378
General fund	\$0	\$0	\$0	\$0	\$1,570,212	\$0
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Decreases Funding for Capital Assets ⁷	Adds Funding for Grants ⁸	Total House Changes
Salaries and wages			\$2,613,470
Operating expenses			4,629,181
Capital assets	(\$130,000)		(130,000)
Grants		\$3,259,698	5,829,910
HFA contingencies			
Housing incentive fund		12,500,000	12,500,000
Total all funds	(\$130,000)	\$15,759,698	\$25,442,561
Less estimated income	(130,000)	2,329,910	10,442,561
General fund	\$0	\$13,429,788	\$15,000,000
FTE	0.00	0.00	4.00

¹ Funding is added for cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$0	\$533,723	\$533,723
Health insurance increase	0	273,631	273,631
Total	\$0	\$807,354	\$807,354

³ Funding of \$767,568 from other funds is added to the salaries and wages line item as follows:

- \$218,908 for 1 FTE compliance officer position.
- \$466,592 for 2 FTE business analyst positions.
- \$82,068 for 1 contingent FTE mortgage specialist position.

⁴ Funding of \$878,102 from federal funds is added for other salary increases (\$800,102) and temporary salaries (\$78,000).

⁵ Funding of \$2,717,553 is added to transfer homeless shelter grant programs from the Department of Commerce. Of the \$2,717,553, \$1,570,212 is from the general fund, and \$1,147,341 is from federal funds. The \$2,717,553 includes \$84,538 for salaries and wages and \$62,803 for operating expenses related to the administration of the grants along with \$2,570,212 for grants.

⁶ Funding of \$4,566,378 is added for operating expense increases as follows:

- \$4,531,830 from the agency's operating funds for increases in servicing premiums paid to lenders related to growth in the home loan program.
- \$21,135 from federal funds for miscellaneous increases in operating expenses.
- \$13,413 from the agency's operating fund for shared software and service rate increases.

⁷ Funding from federal funds is decreased by \$130,000 for capital assets.

⁸ Funding of \$3,259,698 is added for grants as follows:

- \$929,788 from the general fund for homeless grants to provide total funding of \$2,500,000 from the general fund.
- \$1,949,910 for increases in federal grant programs.
- \$380,000 from the agency's operating funds for housing rehabilitation grants.

In addition, \$12,500,000 of one-time funding from the general fund is transferred to the housing incentive fund pursuant to a transfer section in the bill.

This amendment also includes the following related to the Housing Finance Agency:

- Provides appropriation authority for additional or unanticipated federal or other funds which may become available during the 2023-25 biennium.
- Authorizes \$82,068 and 1 FTE position contingent upon the agency's mortgage loan production exceeding \$435 million during fiscal year 2024.

House Bill No. 1014 - Mill and Elevator - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$50,560,209	\$7,022,585	\$57,582,794
Operating expenses	36,817,000	5,574,653	42,391,653
Contingencies	500,000		500,000
Agriculture promotion	500,000		500,000
Total all funds	\$88,377,209	\$12,597,238	\$100,974,447
Less estimated income	88,377,209	12,597,238	100,974,447
General fund	\$0	\$0	\$0
FTE	156.00	14.00	170.00

Department 475 - Mill and Elevator - Detail of House Changes

	Adds Funding for Cost to Continue Salaries¹	Adds Funding for Health Insurance Increases²	Adds FTE Positions³	Adds Funding for Other Salary Adjustments⁴	Adds Funding for Operating Expenses⁵	Total House Changes
Salaries and wages	\$198,797	\$789,350	\$2,367,332	\$3,667,106		\$7,022,585
Operating expenses					\$5,574,653	5,574,653
Contingencies						
Agriculture promotion						
Total all funds	\$198,797	\$789,350	\$2,367,332	\$3,667,106	\$5,574,653	\$12,597,238
Less estimated income	198,797	789,350	2,367,332	3,667,106	5,574,653	12,597,238
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	14.00	0.00	0.00	14.00

¹ Funding from the agency's operating fund is added for cost to continue salary increases.

² Funding from the agency's operating fund is added for increases in health insurance premiums from \$1,429 to \$1,648 per month.

³ Funding of \$2,367,332 is added from the agency's operating fund as follows:

- \$475,578 for 3 FTE positions to add a second shift for grain cleaning.
- \$560,422 for 3 FTE positions to maintain and repair equipment.
- \$468,246 for 3 FTE positions for growth in the storage and handling facility.
- \$863,086 for 5 FTE positions to convert the milling department from a three shifts to four shifts.

⁴ Funding of \$3,667,106 from the agency's operating fund is added for salary increases subject to union negotiations (\$2,314,183) and for overtime (\$1,352,923).

⁵ Funding of \$5,574,653 from the agency's operating fund is added as follows:

- \$5,569,550 for inflationary costs and increases in milling capacity primarily related to utilities, insurance, and repairs.
- \$5,103 for Information Technology Department rate increases.

This amendment also provides an exemption to the Mill and Elevator Association allowing for a transfer of 10 percent of the mill's profits rather than 50 percent for the 2023-25 biennium.