

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2020
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide legislative intent; to provide for transfers; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm for the purpose of defraying the expenses of the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Extension service	\$41,528,035	\$5,563,454	\$47,091,489
Soil conservation committee	<u>737,800</u>	<u>100,000</u>	<u>837,800</u>
Total all funds	\$42,265,835	\$5,663,454	\$47,929,289
Less estimated income	<u>23,863,722</u>	<u>2,065,155</u>	<u>25,928,877</u>
Total general fund	\$18,402,113	\$3,598,299	\$22,000,412
Full-time equivalent positions	266.33	2.30	268.63

Subdivision 2.

NORTHERN CROPS INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Total all funds	\$2,597,969	\$439,517	\$3,037,486
Less estimated income	<u>1,479,657</u>	<u>118,608</u>	<u>1,598,265</u>
Total general fund	\$1,118,312	\$320,909	\$1,439,221
Full-time equivalent positions	10.20	1.00	11.20

Subdivision 3.

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Total all funds	\$22,071,521	\$4,255,471	\$26,326,992
Less estimated income	<u>20,861,681</u>	<u>3,875,518</u>	<u>24,737,199</u>
Total general fund	\$1,209,840	\$379,953	\$1,589,793
Full-time equivalent positions	51.95	2.00	53.95

Subdivision 4.

MAIN RESEARCH CENTER

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Main research center	\$78,578,598	\$25,951,820	\$104,530,418
Deferred maintenance	0	450,000	450,000
Total all funds	\$78,578,598	\$26,401,820	\$104,980,418
Less estimated income	42,350,764	2,662,503	45,013,267
Total general fund	\$36,227,834	\$23,739,317	\$59,967,151
Full-time equivalent positions	347.39	5.00	352.39

Subdivision 5.

RESEARCH CENTERS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Dickinson research center	\$5,375,366	\$912,214	\$6,287,580
Central grasslands research center	2,267,148	293,454	2,560,602
Hettinger research center	2,440,826	554,329	2,995,155
Langdon research center	1,696,963	394,609	2,091,572
North central research center	3,124,334	849,618	3,973,952
Williston research center	3,134,044	(211,861)	2,922,183
Carrington research center	5,577,338	1,150,624	6,727,962
Total all funds	\$23,616,019	\$3,942,987	\$27,559,006
Less estimated income	13,014,511	2,177,305	15,191,816
Total general fund	\$10,601,508	\$1,765,682	\$12,367,190
Full-time equivalent positions	95.56	1.70	97.26

Subdivision 6.

AGRONOMY SEED FARM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Agronomy seed farm	\$1,230,162	\$45,076	\$1,275,238
Total special funds	\$1,230,162	\$45,076	\$1,275,238
Full-time equivalent positions	3.00	0.00	3.00

Subdivision 7.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$67,559,607	\$29,804,160	\$97,363,767
Grand total special funds	102,800,497	11,644,165	114,444,662
Grand total all funds	\$170,360,104	\$41,448,325	\$211,808,429

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

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Main research center greenhouse project	\$7,000,000	\$11,450,400
Carrington, North central, and Hettinger headquarters additions	907,750	0
Deferred maintenance pool	100,000	450,000
North central laboratory and greenhouse project	400,000	0
North Central equipment storage facility	300,000	0
Operating pool	750,000	925,000
Dickinson parking lot and landscaping capital project	350,000	350,000
Dickinson waste management facility capital project	351,000	0
Upper great plains transportation institute center	5,500,000	3,000,000

for transportation study capital project		
Northern crops institute extraordinary repairs	25,000	0
Beef research facility	0	2,612,400
North central, Williston, Langdon and Dickinson renovations/additions	0	2,937,200
Total all funds	<u>\$15,683,750</u>	<u>\$21,725,000</u>
Total special funds	<u>6,951,000</u>	<u>4,275,000</u>
Total general fund	<u>\$8,732,750</u>	<u>\$17,450,000</u>

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. ADDITIONAL INCOME - APPROPRIATION. In addition to the amount included in the grand total special funds appropriation line item in section 1 of this Act, any other income, including funds from federal acts, private grants, gifts, and donations, or from other sources received by the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm, except as otherwise provided by law, is appropriated for the purpose designated in the act, grant, gift, or donation, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS. There is appropriated from federal fiscal stimulus funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$700,000, or so much of the sum as may be necessary, to the main research center for the purpose of installing a geothermal heating system in the main research center greenhouse project, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING - APPROVAL. The main research center may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the construction of the third phase of the main research center greenhouse project, for the biennium beginning July 1, 2009, and ending June 30, 2011.

Any federal funds received and spent under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 6. DEFERRED MAINTENANCE - TRANSFERS. The main research center may transfer from the deferred maintenance line to the main research center line, contained in subdivision 4 of section 1 of this Act, amounts necessary to address extraordinary repair needs. Any amounts transferred must be reported to the director of the office of management and budget.

SECTION 7. TRANSFER AUTHORITY. Upon approval of the state board of agricultural research and education and appropriate branch research center directors, the director of the main research center may transfer appropriation authority within subdivisions 1, 2, 4, and 5 of section 1 of this Act. Any amounts transferred must be reported to the director of the office of management and budget.

SECTION 8. FULL-TIME EQUIVALENT POSITION ADJUSTMENTS. The board of higher education may adjust or increase full-time equivalent positions as needed for the entities in section 1 of this Act, subject to availability of funds. The board shall report any adjustments to the office of management and budget prior to the submission of the 2011-13 budget request.

SECTION 9. UNEXPENDED GENERAL FUND - EXCESS INCOME. Any unexpended general fund appropriation authority to and any excess income received by entities listed in section 1 of this Act are not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations or revenues are available and may be expended by those entities, during the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 10. PERMANENT OIL TAX TRUST FUND - DICKINSON RESEARCH CENTER - OPERATING POOL FUNDING. The estimated income line item in subdivision 5 of section 1 of this Act includes \$925,000 from the permanent oil tax trust fund. This funding is available only for defraying the costs of operations of the Dickinson research center, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 11. LEGISLATIVE INTENT - BEEF SYSTEMS CENTER OF EXCELLENCE. It is the intent of the sixty-first legislative assembly that the beef systems center of excellence authorized by the fifty-eighth legislative assembly has met the funding requirements as outlined in section 9 of chapter 20 of the 2003 Session Laws for collection of both federal and special funds by private contributions through the creation of the North Dakota agricultural innovation center and the capitalization for the creation of North Dakota natural beef, LLC, which was approved by the office of management and budget when it released \$800,000 to the North Dakota state university agricultural experiment station in 2006 pursuant to section 8 of chapter 20 of the 2003 Session Laws. It is also the intent of the sixty-first legislative assembly that this center is subject to requirements outlined in chapter 136 of the 2003 Session Laws and not those enacted later as a part of the center of excellence program administered by the department of commerce pursuant to chapter 15-69.

SECTION 12. EXEMPTION. The amounts appropriated for the center for transportation study, as contained in subdivision 3 of section 3 and the research greenhouse complex project, as contained in subdivision 4 of section 3, of chapter 20 of the 2007 Session laws, are not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations or related revenues are available and may be expended during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 13. EMERGENCY. The appropriation for a capital project of \$3,000,000 from special funds in subdivision 3 and the appropriation for industrial hemp research of \$200,000 from special funds, for deferred maintenance of \$450,000 from the general fund, and for capital projects of \$17,000,000 from the general fund and \$350,000 from special funds in subdivision 4 of section 1 of this Act are declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2020 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 83 Nays 4 Absent 7

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at ___ o'clock _____ M.

Secretary of State