

Sixty-seventh
Legislative Assembly
of North Dakota

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
 2 commerce; to provide an appropriation to the department of transportation; to create and enact
 3 a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the transfer of the
 4 international business and trade office from the department of commerce to the agriculture
 5 commissioner; to amend and reenact ~~section~~sections 54-34.3-13 and 54-60-29 of the North
 6 Dakota Century Code, relating to the rural growth incentive program and the unmanned aircraft
 7 systems program fund; to repeal section 54-60-16 of the North Dakota Century Code, relating to
 8 the international business and trade office; to provide a continuing appropriation; to provide for
 9 a transfer; to provide for a report; ~~and~~ to provide an exemption; to provide a statement of
 10 legislative intent; to provide for a legislative management study; and to declare an emergency.

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

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

	Base Level	Adjustments or Enhancements	Appropriation
19 Salaries and wages	\$13,217,286	(\$353,133)	\$12,864,153
20 Operating expenses	14,873,203	9,444,557	24,317,760
21 Grants	52,638,527	28,543,803	81,182,330
22 Discretionary funds	2,150,000	(600,000)	1,550,000
23 North Dakota trade office	1,600,000	(1,600,000)	0
24 Partner programs	1,562,531	0	1,562,531

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1	Entrepreneurship grants and vouchers	948,467	0	948,467
2	Total all funds	\$86,990,014	\$35,435,227	\$122,425,241
3	Less estimated income	54,123,293	26,424,774	80,548,067
4	Total general fund	\$32,866,721	\$9,010,453	\$41,877,174
5	Full-time equivalent positions	61.80	(3.00)	58.80
6	Salaries and wages	\$13,217,286	(\$381,855)	\$12,835,431
7	Operating expenses	14,873,203	9,009,989	23,883,192
8	Grants	52,638,527	40,193,803	92,832,330
9	Discretionary funds	2,150,000	0	2,150,000
10	North Dakota trade office	1,600,000	(1,600,000)	0
11	Partner programs	1,562,531	0	1,562,531
12	Entrepreneurship grants and vouchers	948,467	0	948,467
13	Total all funds	\$86,990,014	\$47,221,937	\$134,211,951
14	Less estimated income	54,123,293	46,421,086	100,544,379
15	Total general fund	\$32,866,721	\$800,851	\$33,667,572
16	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:

21	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
22	Unmanned aircraft system	\$2,225,000	\$1,000,000
23	Beyond visual line of sight unmanned aircraft system	0	20,000,000
24	Enhanced use lease grant	3,000,000	7,000,000
25	Workforce grants to tribally controlled community colleges	500,000	500,000
26	Census 2020 program	1,000,000	0
27	Workforce safety grant	1,000,000	0
28	Entrepreneurship grants and vouchers	2,000,000	0
29	Sculpture maintenance grants	75,000	0
30	Nonresident nurse employment recruitment	500,000	0
31	Intermodal container transportation shipping fees	1,300,000	0

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1	Job development and economic growth grant	25,000	0
2	Tourism marketing	0	7,000,000
3	Technical skills training grants	0	1,000,000
4	Total all funds	\$11,625,000	\$36,500,000
5	Less estimated income	4,300,000	27,000,000
6	Total general fund	\$7,325,000	\$9,500,000
7	<u>Workforce safety grant</u>	<u>1,000,000</u>	<u>1,500,000</u>
8	<u>Entrepreneurship grants and vouchers</u>	<u>2,000,000</u>	<u>0</u>
9	<u>Sculpture maintenance grants</u>	<u>75,000</u>	<u>0</u>
10	<u>Nonresident nurse employment recruitment</u>	<u>500,000</u>	<u>0</u>
11	<u>Intermodal container transportation shipping fees</u>	<u>1,300,000</u>	<u>0</u>
12	<u>Economic development, growth, and diversification grant</u>	<u>0</u>	<u>5,000,000</u>
13	<u>Job development and economic growth grant</u>	<u>25,000</u>	<u>1,500,000</u>
14	<u>Tourism marketing</u>	<u>0</u>	<u>7,000,000</u>
15	<u>Technical skills training grants</u>	<u>0</u>	<u>1,000,000</u>
16	<u>Motion picture production and recruitment grant</u>	<u>0</u>	<u>100,000</u>
17	<u>Travel agent and tour operator emergency resiliency grants</u>	<u>0</u>	<u>2,000,000</u>
18	<u>Event center emergency resiliency grants</u>	<u>0</u>	<u>2,000,000</u>
19	<u>Tourism transportation improvement grant</u>	<u>0</u>	<u>565,432</u>
20	<u>Total all funds</u>	<u>\$11,625,000</u>	<u>\$49,165,432</u>
21	<u>Less estimated income</u>	<u>4,300,000</u>	<u>47,000,000</u>
22	<u>Total general fund</u>	<u>\$7,325,000</u>	<u>\$2,165,432</u>

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

27 **SECTION 3. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - BEYOND**
 28 **VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM PROGRAM - ONE-TIME**
 29 **FUNDING.** There is appropriated from special funds, derived from grant funds received from the
 30 department of commerce pursuant to section ~~4415~~ of this Act, not otherwise appropriated, the
 31 sum of ~~\$28,000,000~~\$5,000,000, or so much of the sum as may be necessary, to the department

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

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

10 | **SECTION 5. ENTREPRENEURSHIP GRANTS AND VOUCHER PROGRAM.** The
11 | entrepreneurship grants and voucher line item in section 1 of this Act includes \$948,467, of
12 | which \$740,956 is from the general fund and \$207,511 is from the economic development fund,
13 | for the purpose of defraying the expenses of the entrepreneurship grants and voucher program.
14 | The department shall establish guidelines to provide grants to entrepreneurial centers certified
15 | by the department. The department also shall establish guidelines to award vouchers to
16 | entrepreneurs to procure business development assistance from certified entrepreneurial
17 | centers or to provide grants to entrepreneurs working with an entrepreneurial center.

18 | **SECTION 6. RURAL HEALTH CARE GRANT PROGRAM - MATCHING FUNDS**
19 | **REQUIREMENT.** The grants line item in section 1 of this Act includes \$250,000 from the
20 | general fund for providing matching funds to an organization assisting in the recruitment,
21 | distribution, and supply, and enhancing the quality and efficiency of personnel providing health
22 | services in rural areas of the state. The department of commerce may spend the funds
23 | appropriated in this section only to the extent the organization has secured matching funds from
24 | nonstate sources on a dollar-for-dollar basis.

25 | **SECTION 7. LOAN AUTHORIZATION - ECONOMIC DEVELOPMENT, GROWTH, AND**
26 | **DIVERSIFICATION GRANT PROGRAM - MATCHING REQUIREMENT - ONE-TIME**
27 | **FUNDING.** The department of commerce may borrow from the Bank of North Dakota, the sum
28 | of \$5,000,000, or so much of the sum as may be necessary, which is appropriated to the
29 | department of commerce in the grants line item in section 1 of this Act for the purpose of
30 | providing a grant to an organization dedicated to expanding economic development, growth,
31 | and diversification. This funding is considered a one-time funding item. The department of

1 commerce shall request an appropriation from the sixty-eighth legislative assembly to repay any
2 outstanding loan authorized in this section. To qualify for a grant under this program, an
3 organization must have:

- 4 1. Secured a loan or qualified investment from the state investment board through the
5 provisions established in House Bill No. 1425 as approved by the sixty-seventh
6 legislative assembly for construction of an event and entertainment venue focused on
7 highlighting North Dakota history and attractions;
- 8 2. Obtained \$5,000,000 of matching funds from nonstate sources; and
- 9 3. Entered a lease with the state of North Dakota for use of land for the event and
10 entertainment venue.

11 Grant funds awarded may be used only for the operating costs of an event and entertainment
12 venue used to promote the expansion of tourism and economic development and growth in the
13 state.

14 **SECTION 8. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**

15 **FUND - ONE-TIME FUNDING.** The estimated income line item in section 1 of this Act includes
16 the sum of ~~\$26,000,000~~\$29,000,000 from the strategic investment and improvements fund, of
17 which \$19,000,000 is for beyond visual line of sight unmanned aircraft system grants ~~and~~
18 \$7,000,000 is for enhanced use lease grants, \$1,500,000 is for a job development grant to an
19 organization dedicated to promoting job development and economic growth, and \$1,500,000 is
20 for a workforce safety grant to an organization that provides workforce safety. This funding is
21 considered a one-time funding item.

22 **SECTION 9. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND -**

23 **ONE-TIME FUNDING.** The estimated income line item in section 1 of this Act includes the sum
24 of \$12,000,000 from the federal coronavirus relief fund, which is provided for the purposes
25 identified in this section. The department of commerce shall establish guidelines for awarding
26 funding under this section. This funding is considered a one-time funding item and is available
27 for the following:

- 28 1. \$7,000,000 for tourism marketing and branding initiatives, of which \$6,565,432 is for
29 tourism marketing and branding operating expenses and \$434,568 is for the tourism
30 transportation improvement grant program for a grant to be provided to an

- 1 organization dedicated to preserving and promoting a historic, tourism destination
2 North Dakota city.
- 3 2. \$1,000,000 for technical skills training grants.
- 4 3. \$2,000,000 for travel agent and tour operator emergency resiliency grants. Grants
5 may be awarded only to travel agents that book commission-based travel for private
6 individuals or companies, tour companies that schedule tour details and itineraries in
7 North Dakota, or transportation companies providing transportation services to tour
8 planners for tours originating in North Dakota or operators bringing tours into North
9 Dakota. The department of commerce shall establish additional eligibility requirements
10 for the program. The following organizations are ineligible for a grant under this
11 subsection:
- 12 a. National companies that provide travel services to individuals in North Dakota but
13 do not employ at least one individual in the state;
- 14 b. Corporations with staff dedicated to purchasing and arranging travel for
15 employees;
- 16 c. Military-based travel agents or other individuals employed by government
17 entities; and
- 18 d. Organizations that only offer guided services and tours of their attraction.
- 19 4. \$2,000,000 for event center emergency resiliency grants.

20 **SECTION 10. BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM**

21 **PROGRAM - MATCHING FUND REQUIREMENT - ONE-TIME FUNDING.** The grants line item
22 in section 1 of this Act includes \$1,000,000 from the general fund for grants to an organization
23 dedicated to expanding workforce opportunities, training, and education related to the beyond
24 visual line of sight unmanned aircraft system industry, which the department of commerce may
25 provide only to the extent the organization provides one dollar of matching funds from private or
26 other public sources for each one dollar provided by the department. This funding is considered
27 a one-time funding item.

28 **SECTION 11.** A new section to chapter 4.1-01 of the North Dakota Century Code is created
29 and enacted as follows:

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

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

5 a. Advocating for exporters;

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

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

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

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

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

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

25 4. The commissioner may establish an international business and trade office advisory
26 board with whom the commissioner may consult in administering the international
27 business and trade office. Each member of the advisory board is entitled to receive
28 per diem compensation at a rate established by the director not exceeding sixty-two
29 dollars and fifty cents and reimbursement of expenses as provided by law for state
30 officers, while attending meetings or performing duties directly related to board
31 membership, except that per diem compensation under this section may not be paid to

1 any member who receives compensation or salary as a regular state employee or
2 official.

3 **SECTION 12. AMENDMENT.** Section 54-34.3-13 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-34.3-13. Rural growth incentive program.**

- 6 1. The department shall manage and administer the rural growth incentive program. A
7 city with a population of less than two thousand five hundred may apply to the
8 department to be designated as a rural growth incentive city. A rural growth incentive
9 city may be eligible for a loan, grant, or both under this section.
- 10 2. The department shall designate an applicant city as a rural growth incentive city
11 eligible for a loan if the city raises funds in the amount of a dollar-for-dollar match for
12 the amount requested in the loan and meets any additional program requirements
13 provided by rule. The source of city funds used for loan matching funds may be any
14 combination of public and private funds. If the department designates a city as a rural
15 growth incentive city eligible for a loan under this section, subject to the availability of
16 funds, the state shall make a loan to the city in an amount not less than twenty-five
17 thousand dollars and not more than seventy-five thousand dollars. The department
18 shall establish the amount of the interest rate for loans provided to a city under this
19 subsection. The funding source of the state loan is the North Dakota development
20 fund. The city shall distribute the city and state funds to qualifying new or expanded
21 ~~primary sector~~ businesses in the city. A qualifying business in the city includes a
22 business that provides essential services to the city. For purposes of this subsection, a
23 business that provides essential services does not include a public utility. The
24 governing body of the city determines whether a new or expanded ~~primary sector~~
25 business qualifies for funding, and the director of the department determines whether
26 a business that provides essential services to the city qualifies for funding. The state
27 shall distribute a loan to a rural growth incentive city once the city establishes the city
28 has chosen a specified qualified business to receive funding.
- 29 3. The department shall designate an applicant city as a rural growth incentive city
30 eligible for a grant if the city raises funds in the amount of a dollar-for-dollar match for
31 the amount requested in the grant application and meets any additional program

1 requirements provided by rule. The source of city funds used for grant matching funds
2 may be any combination of public and private funds. If the department designates a
3 city as a rural growth incentive city eligible for a grant under this section, subject to
4 availability of funds, the state shall make a grant to the city in an amount not to exceed
5 ten thousand dollars. The recipient rural growth incentive city shall use the grant
6 money received to conduct a feasibility study for the location of a new business,
7 including an expansion of a business with the primary place of business outside the
8 rural growth incentive city. ~~The business under this subsection is not limited to primary~~
9 ~~sector businesses.~~ The funding source of the state grant is the North Dakota
10 development fund. Total grants awarded by the department under this subsection may
11 not exceed one hundred thousand dollars per biennium.

- 12 4. The city may not use city or state funds raised or provided under this section for costs
13 associated with administering the rural growth incentive city. The department shall
14 provide the rural growth incentive city with training to assist the city in expanding
15 ~~primary sector~~ businesses, locating new businesses, and working with state economic
16 development programs.

17 **SECTION 13. AMENDMENT.** Section 54-60-29 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **54-60-29. Unmanned aircraft systems program fund - Continuing appropriation.**

- 20 1. There is created in the state treasury a special fund known as the unmanned aircraft
21 systems fund, which ~~must~~may be used to defray the expenses of the ~~operations~~;
22 a. Operations of an unmanned aircraft systems test site officially designated by the
23 federal aviation administration;
24 b. Beyond visual line of sight unmanned aircraft system program; and
25 c. Enhanced use lease grant program.
26 2. The fund consists of fees collected for the administration of the test site and other
27 funds appropriated by the legislative assembly. All moneys in the fund are
28 appropriated to the department of commerce on a continuing basis for the purpose of
29 defraying the expenses of the ~~unmanned aircraft systems program~~programs identified
30 in subsection 1. Interest earned on moneys in the fund must be credited to the fund.

31 **SECTION 14. REPEAL.** Section 54-60-16 of the North Dakota Century Code is repealed.

1 **SECTION 15. EXEMPTION - BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT**

2 **SYSTEM PROGRAM.** ~~The amount of~~Of the \$28,000,000 appropriated from the general fund in
3 the grants line item for the beyond visual line of sight unmanned aircraft system program in
4 section 27 of chapter 40 of the 2019 Session Laws is not subject to section 54-44.1-11 ~~and, up~~
5 to \$5,000,000 of unexpended funds may be continued and is available for the program during
6 the biennium beginning July 1, 2021, and ending June 30, 2023. The department of commerce
7 may provide grants of up to ~~\$28,000,000~~\$5,000,000, to the department of transportation, for the
8 purpose of defraying ~~tower~~ infrastructure construction expenses of the beyond visual line of
9 sight unmanned aircraft system program during the 2021-23 biennium.

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

15 **SECTION 17. EXEMPTION - ENHANCED USE LEASE GRANT PROGRAM.** The amount
16 of \$3,000,000 appropriated from the general fund in the grants line item for the enhanced use
17 lease grant program in section 27 of chapter 40 of the 2019 Session Laws is not subject to
18 section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2021,
19 and ending June 30, 2023.

20 ~~**SECTION 16. EXEMPTION - EARLY CHILDHOOD EDUCATION PROGRAM.** The amount~~
21 ~~of \$1,500,000 appropriated from the general fund in the operating expenses line item and~~
22 ~~grants line item for the early childhood education program in section 27 of chapter 40 of the~~
23 ~~2019 Session Laws is not subject to section 54-44.1-11 and is available for the program during~~
24 ~~the biennium beginning July 1, 2021, and ending June 30, 2023.~~

25 **SECTION 18. EXEMPTION - NONRESIDENT NURSE EMPLOYMENT RECRUITMENT**
26 **PROGRAM - ELIGIBILITY.** Of the \$500,000 appropriated from the general fund in the grants
27 line item for the nonresident nurse employment recruitment program in section 27 of chapter 40
28 of the 2019 Session Laws, \$320,000 is not subject to section 54-44.1-11 and is available for the
29 program during the biennium beginning July 1, 2021, and ending June 30, 2023. In addition to
30 the program eligibility guidelines established for the 2019-21 biennium, the department of
31 commerce shall provide funding authorized in this section to eligible nursing students in the

1 state who have not been employed by a health care provider on a full-time basis in the year
2 preceding the grant award.

3 **SECTION 19. EXEMPTION - DISCRETIONARY FUNDS.** The amount of \$2,150,000
4 appropriated from the general fund in the discretionary funds line item in section 27 of chapter
5 40 of the 2019 Session Laws is not subject to section 54-44.1-11 and is available for the
6 program during the biennium beginning July 1, 2021, and ending June 30, 2023. Of this
7 amount, up to \$200,000 must be used to retrain up to ten displaced energy industry workers to
8 enhance programmer development and engineering skills.

9 **SECTION 20. LEGISLATIVE INTENT - NORTHERN PLAINS UNMANNED AIRCRAFT**
10 **SYSTEM TEST SITE.** It is the intent of the sixty-seventh legislative assembly that the northern
11 plains unmanned aircraft system test site maximize earned revenue to the extent possible while
12 operating and conducting business of the test site.

13 **SECTION 21. LEGISLATIVE MANAGEMENT STUDY - DATA STORAGE.** During the
14 2021-22 interim, the legislative management shall consider studying data storage by state
15 entities. The study must include input from the information technology department, North
16 Dakota university system, and kindergarten through grade twelve education coordination
17 council. The study must consider data security, geographical locations of storage, geographical
18 locations of corporate contractors, state and federal laws that may affect North Dakota data,
19 ownership and control of data storage, and current and estimated data storage costs related to
20 cloud-based, out-of-state data storage of North Dakota state and local government data. The
21 legislative management shall report its findings and recommendations, together with any
22 legislation necessary to implement the recommendations, to the sixty-eighth legislative
23 assembly.

24 **SECTION 22. EMERGENCY.** The \$12,000,000 appropriated from the federal coronavirus
25 relief fund, of which \$6,565,432 is in the operating expenses line item and \$5,434,568 is in the
26 grants line item in section 1 and identified in sections 2 and 9, and the \$100,000 appropriated
27 from the general fund for a motion picture production and recruitment grant in the grants line
28 item in section 1 and identified in section 2 of this Act are declared to be an emergency
29 measure.