

Introduced by

1 A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century  
2 Code, relating to the creation of a business and tourism acceleration commission; and to  
3 amend and reenact section 54-34.3-08 of the North Dakota Century Code, relating to patents  
4 held by the business and tourism acceleration commission.

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

6 **SECTION 1. AMENDMENT.** Section 54-34.3-08 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-34.3-08. Patents.** The division of economic development and finance, the North  
9 Dakota development fund, incorporated, the business and tourism acceleration commission,  
10 and the North Dakota agricultural products utilization commission may hold or assign for  
11 remuneration all or a portion of their interest in patents or royalty rights acquired in the course of  
12 their operation and performance of duties as provided by law.

13 **SECTION 2.** A new chapter to title 54 of the North Dakota Century Code is created and  
14 enacted as follows:

15 **Definitions.** In this chapter, unless the context otherwise requires:

16 1. "Commission" means the business and tourism acceleration commission.

17 2. "Department" means the department of commerce.

18 **Policy of state - Responsibility of commission.** It is the public policy of this state to  
19 protect and foster the prosperity and general welfare of its people by improving the business  
20 economy of the state. In furtherance of this policy, the commission shall provide necessary  
21 assistance for the research, development, technology, and marketing needs of businesses and  
22 entrepreneurs in the state to aid in innovation for new or existing businesses, expansion of  
23 existing and development of new tourism-based businesses, and growth of international  
24 business through trade.

1           **Business and tourism acceleration commission - Composition - Appointment.**

2           1. The business and tourism acceleration commission consists of seven members as  
3           follows:

4           a. Three members appointed by the governor, for terms of two years, arranged  
5           so that one term expires in odd-numbered years and two terms expire in  
6           even-numbered years. One of these members must be from the private  
7           sector and actively engaged in businesses in this state, one must be from the  
8           private sector and actively engaged in a business in this state which  
9           participates in international trade, and one must be from the private sector  
10           and actively engaged in the tourism industry in this state.

11           b. Four members appointed by the commissioner of commerce, for terms of two  
12           years, arranged so that two terms expire in odd-numbered years and two  
13           terms expire in even-numbered years. One of these members must represent  
14           business interests, one must represent international trade interests, one must  
15           represent tourism interests, and one must represent innovation interests. The  
16           commissioner may fill any of these positions with ex officio members.

17           2. Terms of commission members run from the first day of July. Commission  
18           members may be reappointed to the commission. The commission shall elect one  
19           of its members as chairman. If a member position becomes vacant, the appointing  
20           individual shall appoint a member to complete the remaining term. The terms of  
21           the initial commission members may run for a single year as may be necessary to  
22           initiate the cycle of two-year terms.

23           **Authority - Accountability.**

24           1. The commission may apply for, accept, and expend any appropriation, grant, gift,  
25           or service made available from public or private sources consistent with the  
26           purpose of this chapter.

27           2. The commission may administer grant programs consistent with the purpose of this  
28           chapter, including:

- 29           a. An innovation grant program;  
30           b. A tourism grant program; and  
31           c. An international trade grant program.

1           3.   The department may adopt rules to implement this chapter, including establishing  
2                   qualification requirements for any of the grant programs administered under this  
3                   chapter.

4           4.   The commission shall create application forms and shall accept completed  
5                   applications.

6           5.   A grant provided under this chapter is not a business incentive under chapter  
7                   54-60.1. As a condition of a grant provided under this chapter, however, the  
8                   commission shall require that the recipient repay some or the entire grant if the  
9                   recipient does not fulfill the conditions of the grant. Repayment may be monetary  
10                  or may be of any other type or method determined by the commission to be in the  
11                  public interest.

12           **Commission meetings - Personnel - Reports.** The commission is an office of the  
13           department of commerce. The commission shall meet as necessary and shall report to each  
14           regular session of the legislative assembly. The commission may secure office space, hire  
15           consultants, spend any funds appropriated to the commission, and contract with public entities  
16           or private parties for services. The commission shall determine necessary qualifications of  
17           personnel.

18           **Commission member reimbursement and compensation.** All members of the  
19           commission are entitled to reimbursement for mileage and expenses incurred in the  
20           performance of their duties, in the same manner as provided for state officers. If not otherwise  
21           employed by the state of North Dakota, members of the commission are entitled to receive as  
22           per diem compensation of sixty-two dollars and fifty cents for each day devoted to attending  
23           meetings and performing other duties relating to official business of the commission. The  
24           commission chairman, if not otherwise employed by the state of North Dakota, may receive an  
25           additional one hundred dollars for each day of a regular meeting attended as payment for  
26           reviewing and evaluating grant proposals.

27           **Commission - Administrative expenses.** Administrative expenses of the  
28           commission, including expenses of members of the commission, employment of needed  
29           personnel, hiring of consultants, and contracting with public or private entities for services may  
30           not exceed ten percent of the funds provided to the commission each biennium, excluding  
31           federal funds.