

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2015**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions  
2 under the supervision of the director of the office of management and budget; to provide an  
3 exemption; to create and enact a new section to chapter 6-09 and a new section to chapter  
4 55-10 of the North Dakota Century Code, relating to earnings and profits of the Bank of North  
5 Dakota and historical sites; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04,  
6 15-69-05, 24-02-37, and 39-04-39 of the North Dakota Century Code, relating to centers of  
7 excellence, state highway fund, and registration fees; to provide an appropriation; to provide for  
8 reports to the budget section; to create a legislative council medical assistance committee; to  
9 provide legislative intent; to provide an effective date; and to provide an expiration date.

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

11 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
12 section represent the base level funding component appropriated to the office of management  
13 and budget in section 3 of this Act as follows:

14 Salaries and wages	\$13,595,086
15 Operating expenses	11,341,106
16 Capital assets	3,999,000
17 Grants	389,000
18 Prairie public broadcasting	1,337,138
19 Procurement assistance study	150,000
20 Centers of excellence	<u>36,000,000</u>
21 Total all funds - Base level	\$66,811,330
22 Less estimated income - Base level	<u>46,655,319</u>
23 Total general fund - Base level	\$20,156,011

1           **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
2 amounts identified in this section represent the funding adjustments or enhancements to the  
3 base funding level for the office of management and budget which are included in the  
4 appropriation in section 3 of this Act as follows:

5	Salaries and wages	\$1,625,058
6	Operating expenses	151,030
7	Capital assets	646,019
8	Grants	(335,000)
9	Prairie public broadcasting	(1,337,138)
10	Procurement assistance study	(150,000)
11	Centers of excellence	<u>(36,000,000)</u>
12	Total all funds - Adjustments/enhancements	(\$35,400,031)
13	Less estimated income - Adjustments/enhancements	<u>(38,224,959)</u>
14	Total general fund - Adjustments/enhancements	\$2,824,928

15           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
16 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
17 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
18 other income, to the office of management and budget for the purpose of defraying the  
19 expenses of that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009,  
20 as follows:

21	Salaries and wages	\$15,220,144
22	Operating expenses	11,492,136
23	Capital assets	4,645,019
24	Grants	<u>54,000</u>
25	Total all funds	\$31,411,299
26	Less estimated income	<u>8,430,360</u>
27	Total general fund appropriation	\$22,980,939

28           **SECTION 4. EXEMPTION.** The amount appropriated for the fiscal management  
29 division, as contained in section 3 of chapter 15 of the 2005 Session Laws is not subject to the  
30 provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available

1 for continued development and operating costs of the accounting, management, and payroll  
2 systems, during the biennium beginning July 1, 2007, and ending June 30, 2009.

3 **SECTION 5. CAPITOL BUILDING FUND.** The amount of \$750,000, or so much of the  
4 sum as may be necessary, included in the estimated income line item in section 3 of this Act, is  
5 to be spent by the facility management division from the capitol building fund during the  
6 biennium beginning July 1, 2007, and ending June 30, 2009.

7 **SECTION 6. APPROPRIATION - WILLISTON RESEARCH CENTER - NESSON**  
8 **VALLEY IRRIGATION PROJECT.** There is appropriated out of any moneys in the general  
9 fund in the state treasury, not otherwise appropriated, the sum of \$180,000, or so much of the  
10 sum as may be necessary, to the Williston research center for the nesson valley irrigation  
11 project, including \$100,000 for operating costs and \$80,000 for salaries and wages, for the  
12 biennium beginning July 1, 2007, and ending June 30, 2009. The Williston research center is  
13 authorized one full-time technician position for this project.

14 **SECTION 7. INTENT.** Within the authority included in section 3 of this Act are the  
15 following grants and special items:

16 Boys and girls clubwork	\$53,000
17 State contingencies	\$500,000
18 State memberships and related expenses	\$581,000
19 Unemployment insurance	\$1,500,000
20 Capitol grounds planning commission	\$25,000

21 **SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
22 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in  
23 section 3 of this Act includes \$3,000,000 for the one-time funding item identified in this section.  
24 This amount is not a part of the agency's base budget to be used in preparing the 2009-11  
25 executive budget. The office of management and budget shall report to the appropriations  
26 committees of the sixty-first legislative assembly on the use of this one-time funding for the  
27 biennium beginning July 1, 2007, and ending June 30, 2009.

28 Deferred maintenance	\$3,000,000
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29 **SECTION 9. REPORT ON SALARY EQUITY.** The office of management and budget  
30 shall report to the budget section on the status of salary equity for state employees by June 30,  
31 2008.

1           **SECTION 10. ONE-TIME FUNDING - NORTH DAKOTA UNIVERSITY SYSTEM.**

2     Notwithstanding the one-time funding section contained in House Bill No. 1003, the allocation  
3     of \$3,700,000 for connectND system support included in the grand total general fund  
4     appropriation line item in section 3 of House Bill No. 1003, as amended by the senate, is to be  
5     considered a part of the institutions' base budgets to be used in preparing the 2009-11  
6     executive budget.

7           **SECTION 11. LEGISLATIVE INTENT - CRIME LABORATORY - USE OF SPACE BY**  
8     **STATE DEPARTMENT OF HEALTH.** It is the intent of the sixtieth legislative assembly that the  
9     facility management division of the office of management and budget develop a plan for the  
10    state department of health to assume control of the existing crime laboratory space from the  
11    attorney general's office when the new crime laboratory is completed. The plan should also  
12    identify additional space in the judicial wing of the state capitol, currently occupied by the state  
13    department of health, to be made available for the supreme court.

14          **SECTION 12. BUDGET SECTION TOUR GROUP REVIEW.** Institutions shall report to  
15    any budget section tour group that visits the institution during the 2007-08 interim on the status  
16    of the extraordinary repairs funded in the institutions' budgets and the tour groups shall review  
17    the status of the repairs as part of the tour of the institution.

18          **SECTION 13. LEGISLATIVE INTENT - STATE WATER COMMISSION - MAPPING**  
19     **PROJECT.** It is the intent of the sixtieth legislative assembly that the state water commission  
20    provide up to \$300,000 for the Red River basin mapping initiative to develop a high-resolution  
21    digital evaluation model. The funding for this project is from within existing appropriation  
22    authority of the state water commission and is contingent upon additional federal funding being  
23    available for this project.

24          **SECTION 14. HIGHER EDUCATION INSTITUTION BUDGET DETAIL - REPORT TO**  
25     **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The North Dakota university system shall provide  
26    to the appropriations committees of the sixty-first legislative assembly a budget detail report for  
27    each institution in the North Dakota university system and a composite report of major  
28    categories of the university system. These reports are to be in addition to the normal budget  
29    presentation.

30          **SECTION 15. Legislative council medical assistance committee - Membership -**  
31     **Duties - Continuing appropriation.**

- 1           1. The legislative council shall appoint a medical assistance committee. Membership  
2           of the committee must include:
  - 3           a. Five members of the house of representatives, three of whom must be  
4           selected by the leader representing the majority faction of the house of  
5           representatives and two of whom must be selected by the leader representing  
6           the minority faction of the house of representatives.
  - 7           b. Five members of the senate, three of whom must be selected by the leader  
8           representing the majority faction of the senate and two of whom must be  
9           selected by the leader representing the minority faction of the senate.
  - 10          c. Up to nine members who represent medical assistance providers and the  
11          department of human services, who serve in an ex officio nonvoting capacity,  
12          and who are selected by the chairman of the committee with the concurrence  
13          of the other legislative members of the committee.
- 14          2. The legislative council chairman shall designate the committee chairman and vice  
15          chairman from among the legislative members of the committee.
- 16          3. The committee shall operate according to the statutes and procedures governing  
17          the operation of other legislative council interim committees.
- 18          4. The committee shall study the state's medical assistance program, including  
19          options for benefit, management, and reimbursement reform. The committee shall  
20          engage consultant services to undertake an actuarially based analysis of the  
21          medical assistance program and reform options to ensure the future long-term  
22          sustainability of the program. The analysis must:
  - 23          a. Gather data regarding the current categories of medical assistance  
24          beneficiaries;
  - 25          b. Evaluate the current financial expenditures for medical assistance by county  
26          and by category of aid and within those categories by type of service;
  - 27          c. Evaluate the current medical assistance reimbursement system;
  - 28          d. Evaluate issues related to beneficiary access to care in the medical  
29          assistance program and patient access in the state's health care system,  
30          including the uninsured and underinsured;

- 1           e. Evaluate the current commercial insurance market in conjunction with federal  
2           opportunities to increase coverage options; and
- 3           f. Evaluate options for reform, including the implementation of risk-sharing  
4           arrangements, preventive services and case management, a high-risk pool,  
5           and a premium assistance program, and the potential use of pilot projects for  
6           evaluating the effectiveness of reform options.
- 7           5. The committee also shall engage consultant services to study the progress in the  
8           implementation of the medical assistance program management initiatives,  
9           including statewide targeted case management services, improvement of mental  
10           health treatment services, including the use of prescription drugs, and the use of  
11           medical assistance cards for beneficiary identification.
- 12           6. The legislative council may accept gifts, grants, and donations from any source,  
13           including federal or private sources, to assist the committee on medical assistance  
14           in conducting its study and obtaining consultant services under this section. Any  
15           gifts, grants, and donations received are appropriated to the legislative council on  
16           a continuing basis for the purpose of conducting the study of the state's medical  
17           assistance program and obtaining consultant services.
- 18           7. A state employee who is a member of the committee must receive that employee's  
19           regular salary and is entitled to mileage and expenses, to be paid by the employing  
20           agency. Members of the committee who are not members of the legislative  
21           assembly or state employees are not entitled to compensation or reimbursement of  
22           expenses for service on the committee.

23           **SECTION 16. APPROPRIATION.** There is appropriated out of any moneys in the  
24 general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much  
25 of the sum as may be necessary, and from special funds derived from federal funds or other  
26 income, the sum of \$150,000, or so much of the sum as may be necessary, to the legislative  
27 council for the purpose of obtaining consultant services for the medical assistance program  
28 analysis described in section 15 of this Act, for the biennium beginning July 1, 2007, and  
29 ending June 30, 2009.

30           **SECTION 17. APPROPRIATION.** There is appropriated out of any moneys in the  
31 general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much

1 of the sum as may be necessary, and from special funds derived from federal funds or other  
2 income, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative  
3 council for the purpose of obtaining consultant services for analyzing the implementation  
4 progress of the medical assistance program management initiatives described in section 15 of  
5 this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

6 **SECTION 18.** A new section to chapter 6-09 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Earnings and profits of the Bank - Limitation on transfers.** Subject to legislative  
9 appropriation or transfer, the industrial commission may transfer earnings and accumulated  
10 undivided profits of the Bank to the state general fund or to a special fund. The transfer  
11 authority granted under this section is limited to transfers that do not reduce the Bank's capital  
12 structure to less than eight percent of the Bank's average assets for the last quarter of the  
13 calendar year preceding the end of each biennium.

14 **SECTION 19. AMENDMENT.** Section 15-69-02 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15-69-02. (Effective through July 31, 2011) Centers of excellence.**

- 17 1. The board shall establish a centers of excellence program relating to economic  
18 development. The program must distinguish among center designations for  
19 awards designated to address commercialization, workforce, and infrastructure  
20 needs. Through the program the commission shall make funding award  
21 recommendations for commission-approved applications to the board, the  
22 foundation, and the budget section of the legislative council. A center must be an  
23 institution of higher education under the control of the board or a nonprofit  
24 university-related or college-related foundation of an institution of higher education  
25 under the control of the board. In order to be considered for center designation,  
26 the institution of higher education or nonprofit foundation must be working in  
27 partnership with the private sector. In addition to any center designated under this  
28 chapter, the North Dakota state university center for technology enterprise and the  
29 university of North Dakota center for innovation are centers.
- 30 2. A commission funding award recommendation must be for a specified amount.  
31 Designation of a center occurs upon board, foundation, and budget section

- 1 approval of a commission funding award recommendation. In considering whether  
2 to designate a center, the board, foundation, and budget section may not modify  
3 the commission recommendation. The budget section may not ~~make a~~  
4 ~~determination of whether to approve or reject~~ take action on a commission funding  
5 award recommendation until the emergency commission reviews the commission  
6 recommendation or modified recommendation and makes a recommendation to  
7 the budget section. Upon receipt of a commission funding award  
8 recommendation, the budget section shall approve the recommendation, reject the  
9 recommendation, or rerefer the recommendation to the commission with  
10 recommended modifications. If the commission receives a rereferred  
11 recommendation from the budget section, the commission shall consider whether  
12 to modify the recommendation. If upon rereferral the commission modifies a  
13 recommendation, the board, foundation, and budget section shall consider whether  
14 to approve or reject the modified recommendation. If upon rereferral the  
15 commission does not modify a recommendation, the budget section shall make a  
16 determination of whether to approve or reject the recommendation.
- 17 3. A center that receives funds distributed under this chapter is not qualified to  
18 receive subsequent designations as a center until the biennium following the  
19 center's most recent designation.
- 20 4. The board rules adopted under subsection 9 of section 15-10-17, relating to  
21 ownership of intellectual property, inventions, and discoveries, must address  
22 activities and issues unique to centers. The board rules adopted under  
23 subsection 9 of section 15-10-17 and the terms of a center's private and public  
24 partnership must provide that at least four percent of the revenues derived from  
25 intellectual property developed by the private sector partner or by the public sector  
26 partner of a center of excellence must be deposited in the general fund in the state  
27 treasury.
- 28 5. Unless otherwise provided through the appropriation process, the commission's  
29 funding awards to address workforce needs may not exceed two million dollars per  
30 biennium and the commission's funding awards to address infrastructure needs

1           may not exceed two million dollars per biennium. Buildings that are essential to  
2           attracting private investment shall not be considered infrastructure.

3           **SECTION 20. AMENDMENT.** Section 15-69-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **15-69-03. (Effective through July 31, 2011) Centers of excellence commission.**

6 The centers of excellence commission consists of six members. The foundation shall appoint  
7 ~~three~~ two of the foundation's members to serve on the commission ~~and~~, the board shall appoint  
8 ~~three~~ two of the board's members to serve on the commission, and the legislative council shall  
9 appoint two legislators to serve on the commission. The commission members shall designate  
10 a chairman and a vice chairman of the commission. Each member of the commission shall  
11 serve for a term of three years, beginning July first; may be reappointed for additional terms;  
12 and serves at the pleasure of the appointing entity. If a commission member ceases to serve  
13 as a member of the appointing entity, that member's membership on the commission ceases  
14 immediately and the appointing entity shall appoint a new member for the remainder of the  
15 term. Terms of ~~initial~~ commission members ~~begin on July 1, 2005, and~~ must be staggered. On  
16 a meeting-by-meeting basis, an appointing entity may substitute a member of that appointing  
17 entity to serve in place of one of the regular members appointed by that entity. If the  
18 commission chairman and vice chairman are not present at a meeting, the commission  
19 members present at that meeting shall select a commission member to serve as chairman for  
20 that meeting. A commission member may receive compensation and travel and expense  
21 reimbursement from the appointing entity. The ~~board~~ department of commerce shall provide  
22 the commission with appropriate staff services as may be requested by the commission.

23           **SECTION 21. AMENDMENT.** Section 15-69-04 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **15-69-04. (Effective through July 31, 2011) Application - Eligibility requirements.**

26           1. The ~~board~~ department of commerce shall provide center application forms, accept  
27 applications, review applications for completeness and compliance with board and  
28 commission policy, ~~and~~ forward complete applications to the commission in  
29 accordance with guidelines established by the commission, and assist with  
30 preaward reviews and postaward monitoring as may be requested by the  
31 commission.

- 1           2.    The commission shall meet as necessary to review all complete applications;  
2                consider the potential need for independent, expert review of complete  
3                applications; approve or disapprove complete applications; make funding award  
4                recommendations for commission-approved proposed centers; direct the office of  
5                management and budget to distribute funds to the centers; monitor centers for  
6                compliance with award requirements; ~~and~~ review changes in assertions made in  
7                center applications; and conduct postaward monitoring of centers.
- 8           3.    In considering whether to approve or disapprove an application, the commission  
9                shall determine whether the applicant has conducted the due diligence necessary  
10               to put together a viable proposal and the commission shall consider whether the  
11                center will:
- 12                a.    Use university or college research to promote private sector job growth and  
13                expansion of knowledge-based industries or use university or college  
14                research to promote the development of new products, high-tech companies,  
15                or skilled jobs in this state;
- 16                b.    Create high-value private sector employment opportunities in this state;
- 17                c.    Provide for public-private sector involvement and partnerships;
- 18                d.    Leverage other funding;
- 19                e.    Increase research and development activities that may involve federal funding  
20                from the national science foundation experimental program to stimulate  
21                competitive research;
- 22                f.    Foster and practice entrepreneurship;
- 23                g.    Promote the commercialization of new products and services in industry  
24                clusters;
- 25                h.    Become financially self-sustaining; and
- 26                i.    Establish and meet a deadline for acquiring and expending all public and  
27                private funds specified in the application.
- 28           4.    In considering whether to approve an application, the commission may provide for  
29                an independent, expert review of the application to determine whether the  
30                proposed center is viable and whether the proposed center is likely to have the  
31                desired economic impact. As necessary, the commission may contract for

1           additional technical review of applications. The commission may not approve an  
2           application unless the commission determines the proposed center has a high  
3           likelihood of viability and success in positively impacting economic development in  
4           the state.

5           5. For no fewer than six years and no more than ten years following center  
6           designation, the commission shall monitor the center's activities in order to  
7           determine whether the center is having the desired economic impact.

8           **SECTION 22. AMENDMENT.** Section 15-69-05 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **15-69-05. (Effective through July 31, 2011) Use of funds - Terms of funds -**  
11 **Distribution of funds.**

12           1. A center shall use funds awarded under this chapter to enhance capacity; enhance  
13 infrastructure; and leverage state, federal, and private sources of funding. If a  
14 center's primary use of funds will be to enhance infrastructure, the commission  
15 must have specifically designated the center as addressing infrastructure needs.

16 A center awarded funds under this chapter may not use the funds to supplant  
17 funding for current operations or academic instructions or to pay indirect costs.

18           2. As a condition for receipt of funds under this chapter, a center shall agree to  
19 provide the board, foundation, and budget section of the legislative council with  
20 annual audits on all funds distributed to the center under this chapter. The annual  
21 audits must be provided until the completion of ~~four years following the final~~  
22 ~~distribution of funds under this chapter~~ the commission's postaward monitoring of  
23 the center. As a condition for receipt of funds under this chapter, a center shall  
24 agree to provide the commission with the information necessary to monitor the  
25 postaward activities of the center.

26           3. Before the commission directs the office of management and budget to distribute  
27 funds awarded under this chapter, the center shall provide the commission with  
28 detailed documentation of private sector participation and the availability of two  
29 dollars of matching funds for each dollar of state funds to be distributed under this  
30 chapter. The commission may not direct distribution of funds if the private sector  
31 participants cease to participate. The matching funds may include funds facilitated

1 through the collaboration of the private sector participants with other funding  
2 entities. The matching funds may include a combination of cash and in-kind  
3 assets with itemized value. Private sector participation may be established  
4 through equity investments or through contracts for services with private sector  
5 entities. In making funding recommendations and designation determinations, the  
6 commission, board, foundation, and budget section shall give major consideration  
7 to the portion of the matching funds provided in cash by the private sector.

8 4. If, before funds are distributed by the office of management and budget, a center  
9 undergoes a change in the terms of or assertions made in its application, the  
10 commission may direct that the office of management and budget withhold all or a  
11 portion of any undistributed funds pending commission review of the changes.

12 5. The commission may use funds appropriated for the centers of excellence  
13 program to pay for the commission's administrative expenses, which may include  
14 contracting for independent, expert reviews of complete applications. The amount  
15 of funds the commission uses each biennium for administrative expenses may not  
16 exceed two and one-half percent of the funds appropriated for the program that  
17 biennium.

18 **SECTION 23. AMENDMENT.** Section 24-02-37 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **24-02-37. State highway fund - Priorities for expenditure - Use of investment**

21 **income.** The state highway fund, created by law and not otherwise appropriated and allocated,  
22 must be applied and used for the purposes named in this section, as follows:

23 1. Except for investment income as provided in subsection 3 and except as otherwise  
24 provided in subsection 4, the fund must be applied in the following order of priority:

25 a. The cost of maintaining the state highway system.

26 b. The cost of construction and reconstruction of highways in the amount  
27 necessary to match, in whatever proportion may be required, federal aid  
28 granted to this state by the United States government for road purposes in  
29 North Dakota.

30 c. Any portion of the highway fund not allocated as provided in subdivisions a  
31 and b may be expended for the construction of state highways without federal

1 aid or may be expended in the construction, improvement, or maintenance of  
2 such state highways.

3 2. All funds heretofore appropriated or hereafter appropriated or transferred to the  
4 department, whether earmarked or designated for special projects or special  
5 purposes or not, must be placed or transferred into a single state highway fund in  
6 the office of the state treasurer and any claims for money expended by the  
7 department upon warrants prepared and issued by the office of management and  
8 budget and signed by the state auditor under this title must be paid out of the state  
9 highway fund by the state treasurer; provided, however, that the commissioner  
10 shall keep and maintain complete and accurate records showing that all  
11 expenditures have been made in accordance with legislative appropriations and  
12 authorizations.

13 3. The state treasurer shall deposit the moneys in the state highway fund in an  
14 interest-bearing account at the Bank of North Dakota. The state treasurer shall  
15 deposit forty percent of the income derived from the interest-bearing account in a  
16 special interest-bearing account in the state treasury known as the special road  
17 fund. The special road fund may be used, within the limits of legislative  
18 appropriation, exclusively for the construction and maintenance of access roads to  
19 and roads within recreational, tourist, and historical areas as designated by the  
20 special road committee. A political subdivision or state agency may request funds  
21 from the special road fund by applying to the committee on forms designated by  
22 the committee. The committee may require the political subdivision or state  
23 agency to contribute to the cost of the project as a condition of any expenditure  
24 authorized from the special road fund. Any moneys in the fund not obligated by  
25 the special road committee on June thirtieth of each odd-numbered year must  
26 revert to the state highway fund.

27 4. The state treasurer shall deposit twenty percent of all sums collected from the  
28 registration of farm vehicles under subsection 5 of section 39-04-19 in a special  
29 interest-bearing account in the state treasury known as the biofuels road  
30 infrastructure fund. The biofuels road infrastructure fund may be used, within the  
31 limits of legislative appropriation, exclusively for the construction and maintenance

1           of access roads to ethanol, biodiesel, biofuel, and other renewable fuel production  
2           facilities. A political subdivision or state agency may request funds from the  
3           biofuels road infrastructure fund by applying to the director on forms designated by  
4           the director. The director may require the political subdivision or state agency to  
5           contribute to the cost of the project as a condition of any expenditure authorized  
6           from the biofuels road infrastructure fund.

7           **SECTION 24. AMENDMENT.** Section 39-04-39 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **39-04-39. Distribution of registration fees collected.** Any moneys in the registration  
10 fund accruing from license fees or from other like sources, in excess of the amount required to  
11 pay salaries and other necessary expenses, in accordance with the legislative assembly's  
12 appropriation for such purposes, must be promptly deposited in the highway tax distribution  
13 fund which must be distributed in the manner as prescribed by law. The state treasurer shall  
14 transfer annually from the highway tax distribution fund to the biofuels road infrastructure fund  
15 an amount equal to twenty percent of all sums collected for the registration of farm vehicles  
16 under subsection 5 of section 39-04-19 and shall transfer annually from the highway tax  
17 distribution fund to the ethanol production incentive fund an amount equal to forty percent of all  
18 sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19  
19 except that no transfer may be made in an amount that would result in the balance of the  
20 ethanol production incentive fund exceeding ~~five~~ ten million dollars.

21           **SECTION 25.** A new section to chapter 55-10 of the North Dakota Century Code is  
22 created and enacted as follows:

23           **Ronald Reagan peace through strength missile silo historic site.** If the state  
24 historical society acquires a missile silo historic site, the site is named the Ronald Reagan  
25 peace through strength missile silo historic site.

26           **SECTION 26. EFFECTIVE DATE.** Section 18 of this Act becomes effective on July 1,  
27 2009.

28           **SECTION 27. EXPIRATION DATE.** Section 15 of this Act is effective through  
29 December 31, 2008, and after that date is ineffective.