



REQUEST TO EMERGENCY COMMISSION
STATE OF NORTH DAKOTA
 SFN 02580 (9-2007)

RECEIVED

JUN 04 2012

Submit original and 7 copies to Secretary of State

1798 #4

For reference, see North Dakota Century Code, Chapter 54-16

SEC. OF STATE

Date June 1, 2012	Department Number 601	Department Name Commerce	
Authorized Department Signature 		Name of Contact Person Paul T. Govig	Telephone Number 328-4499

PART A: BACKGROUND

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) ☒ Yes ☐ No

2. Is any portion of this request a new program? (If yes, please explain in narrative) ☐ Yes ☒ No

3. Will the legislature be asked to continue this program in the next biennium? ☐ Yes ☒ No

PART B: FTE

4. Will this program require an increase in authorized FTE? ☐ Yes ☒ No
 If yes, how many?

PART C: INCREASE IN APPROPRIATION LINE ITEM

7. Will this program require state general fund money for a match in this biennium? ☐ Yes ☒ No
 If yes, estimate the amount of general fund money needed and explain its source in the narrative

8. Will this program require state general fund money in the next biennium? ☐ Yes ☒ No
 If yes, estimate the amount of general fund money needed in the next biennium.

9. Source of Funds for increased spending authority (check applicable box)
☒ Federal ☐ State Contingency Funds ☐ Other

10. Is this a pass-through from another agency? ☐ Yes ☒ No If yes, from which agency?

11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? ☐ Yes ☒ No
 If yes, estimate the amount of general fund money needed in the next biennium.

12. Specify below the line item to be increased and the amount of the increase.

<u>Line Item</u>	<u>Amount</u>
Stimulus	\$7,000,000

PART D: INTRA-AGENCY LINE ITEM TRANSFER

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>

PART E: NARRATIVE (attach separate sheets if necessary)

Approval for stimulus spending was granted by both the 2009 and 2011 Legislatures.

The spending authority of the stimulus line item needs to be increased by \$7,000,000 to enable the North Dakota Department of Commerce to spend out the remaining stimulus dollars. All the funds have been obligated to projects around the state. Essentially all of the dollars will be used to increase the energy efficiency of buildings, facilities or processes.

Stimulus spending was slower than expected because of project delays, complicated regulatory requirements and flooding issues.



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SEC. OF STATE

Date June 4, 2012	Department Number 108	Department Name Secretary of State
Authorized Department Signature 	Name of Contact Person Al Jaeger	Telephone Number 328-2900

PART A: BACKGROUND

1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) ☐ Yes ☒ No
2. Is any portion of this request a new program? (If yes, please explain in narrative) ☐ Yes ☒ No
3. Will the legislature be asked to continue this program in the next biennium? ☒ Yes ☐ No

PART B: FTE

4. Will this program require an increase in authorized FTE? ☒ Yes ☐ No
If yes, how many? 3

PART C: INCREASE IN APPROPRIATION LINE ITEM

7. Will this program require state general fund money for a match in this biennium? ☐ Yes ☒ No
If yes, estimate the amount of general fund money needed and explain its source in the narrative
8. Will this program require state general fund money in the next biennium? ☒ Yes ☐ No
If yes, estimate the amount of general fund money needed in the next biennium. \$ 324,000
9. Source of Funds for increased spending authority (check applicable box)
☐ Federal ☐ State Contingency Funds ☐ Other _____
10. Is this a pass-through from another agency? ☐ Yes ☒ No If yes, from which agency? _____
11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? ☐ Yes ☐ No
If yes, estimate the amount of general fund money needed in the next biennium.
12. Specify below the line item to be increased and the amount of the increase.

Line Item

Amount

PART D: INTRA-AGENCY LINE ITEM TRANSFER

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>
Operating	Salary	295,000

PART E: NARRATIVE (attach separate sheets if necessary)

See attached narrative.

Narrative for Secretary of State Emergency Commission Request June 4, 2012

Beginning in July 2011 through April 2012, the average number of monthly business registrations increased 70% from the previous twenty-four months and 55% from the previous twelve months. In addition, the agency was impacted by its integral role from July through September 2011 in the Minot multi-agency licensing center to expedite flood recovery efforts in that area. Since January 1, the agency has issued over 1,300 contractor licenses and more are being processed each day.

Because of the unprecedented demand for services, the turn around time to process important legal business registration documents and issue contractor licenses is much longer than the "normal" standard that the agency has had for many years and for which it has been known. To address the increased demand for services because of the economic growth throughout the state, which is projected to continue in the foreseeable future, the agency is requesting three additional FTE for the remainder of the biennium, subject to approval by the 2013 legislature for continuation into the next biennium.

Two of the FTE positions are for the business registration unit. Because of the intricacies involved in filing legal business documents, it takes time to train personnel to become knowledgeable with the requirements of state law involving the varying types of business entity structures, e.g. domestic and foreign corporations, domestic and foreign limited liability companies, domestic and foreign limited partnerships, etc. This process cannot be entrusted to temporary personnel.

The remaining FTE position is for the business information unit. In direct correlation to the number of increased registered businesses, the number of annual reports that are submitted by the respective entities increases as well, which need to be processed in a timely manner.

The requested line item transfer will fund the three additional positions and provide funding for overtime, temporary personnel, and salary adjustments to retain essential personnel through the completion of the agency's technology project. The agency has identified funds within its current budget that have become available to enable the requested transfer of funds, as a result of a now different time line for its technology project and ITD fees that have been decreased during the current biennium.