

**Department 405 - Industrial Commission
House Bill No. 1014**

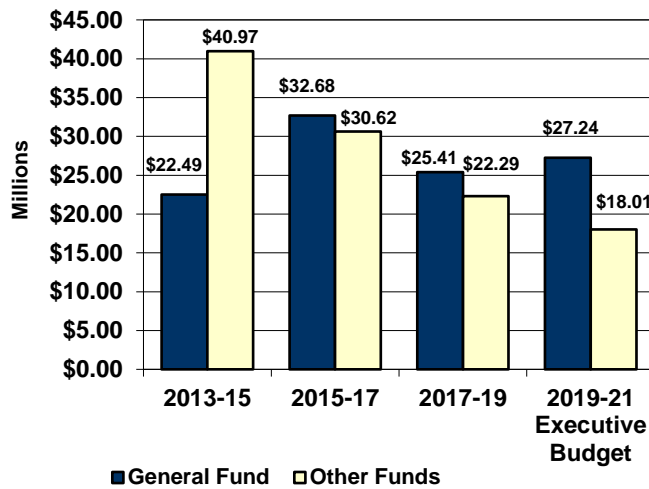
Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2019-21 Executive Budget	110.25	\$27,240,220	\$18,014,947	\$45,255,167
2017-19 Legislative Appropriations	110.25	25,408,987	22,293,206	47,702,193
Increase (Decrease)	0.00	\$1,831,233	(\$4,278,259)	(\$2,447,026)

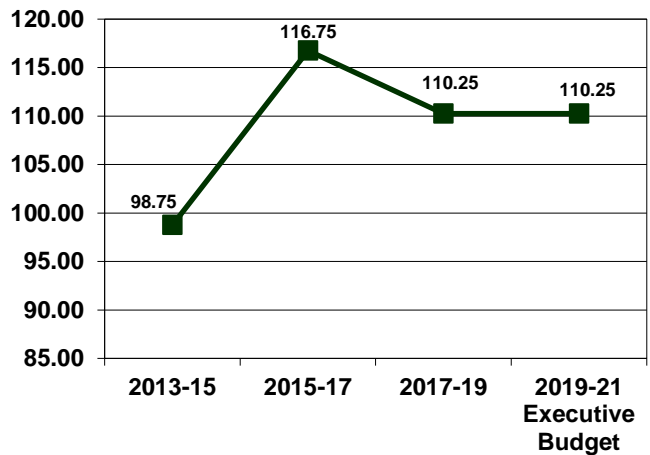
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 Executive Budget	\$27,240,220	\$0	\$27,240,220
2017-19 Legislative Appropriations	25,408,987	0	25,408,987
Increase (Decrease)	\$1,831,233	\$0	\$1,831,233

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2019-21 Executive Budget	\$27,240,220	\$18,014,947	\$45,255,167
2019-21 Base Level	25,408,987	15,343,206	40,752,193
Increase (Decrease)	\$1,831,233	\$2,671,741	\$4,502,974

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases of which \$1,014,946 is for salary increases, \$453,495 is for health insurance increases, and \$132,997 is for retirement increases	\$1,506,205	\$95,233	\$1,601,438
2. Transfers \$221,737 from the contingencies line item to the salaries and wages line item	\$0	\$0	\$0
3. Increases funding for 2 FTE positions that were partially funded as contingent positions in the 2017-19 biennium	\$40,464	\$0	\$40,464
4. Adjusts funding for operating expenses primarily related to travel and building leases	\$300,827	(\$36,324)	\$264,503
5. Adds funding for computer replacements	\$70,400	\$0	\$70,400
6. Adds funding for Microsoft Office 365 licensing	\$76,787	\$4,409	\$81,196
7. Reduces funding for bond payments	\$0	(\$2,701,717)	(\$2,701,717)

8. Adds one-time funding from the strategic investment and improvements fund for a rare earth element study	\$0	\$160,000	\$160,000
9. Adds one-time funding from the strategic investment and improvements fund for a fracturing sand study	\$0	\$110,000	\$110,000
10. Adds one-time funding from the strategic investment and improvements fund for an oil database software upgrade	\$0	\$5,000,000	\$5,000,000

**Other Sections Recommended to be Added in the Executive Budget
(As Detailed in the Attached Appendix)**

Bond payments - Section 3 would provide legislative intent for bond payments, and Section 5 would provide appropriation authority, subject to Emergency Commission approval, for bond issuances during the 2019-21 biennium.

Administrative cost transfers - Section 9 would allow the Industrial Commission to transfer up to \$1,184,893 from special funds from the entities under the control of the Industrial Commission for administrative services. Section 21 would provide an exemption allowing unspent prior biennium appropriation authority for administrative costs to be available in the 2019-21 biennium.

Strategic investment and improvements fund - Sections 15, 16, and 17 would identify \$5,270,000 from the strategic investment and improvements fund for an information technology project (\$5,000,000), a rare earth element study (\$160,000), and a fracturing sand study (\$110,000).

Lignite research - Section 20 would designate \$4.5 million from the lignite research fund for lignite marketing studies, the Lignite Vision 21 program, or possible lignite-related litigation.

Survey review exemption - Section 22 would provide an exemption allowing the Industrial Commission to continue any unspent 2017-19 biennium appropriation authority for a survey review during the 2019-21 biennium.

Deficiency Appropriation

Senate Bill No. 2024 provides a deficiency appropriation of \$500,000 from the general fund to the Industrial Commission for litigation expenses.

Continuing Appropriations

Abandoned oil and gas reclamation fund - North Dakota Century Code Section 38-08-04.5 - Abandoned oil and gas reclamation.

Carbon dioxide storage facility administration fund - Section 38-22-14 - For defraying costs of processing applications for regulating carbon dioxide storage facilities.

Carbon dioxide storage facility trust fund - Section 38-22-15 - For costs associated with long-term monitoring and management of a closed carbon dioxide storage facility.

Cartographic products fund - Section 54-17.4-10 - Topographic map sales and purchases.

Cash bond fund - Section 38-08-04.11 - For defraying costs incurred in plugging and reclamation of abandoned oil and gas wells and related activities.

Fossil excavation and restoration fund - Section 54-17.4-09.1 - Excavation and restoration of fossils.

Geological data preservation fund - Section 54-17.4-13 - Data preservation.

Geophysical, geothermal, subsurface minerals, and coal exploration fund - Section 38-21-03 - Reclamation of orphaned facilities and exploration holes.

Global positioning system community base station - Section 54-17.4-12 - For maintenance of base station.

Lignite research fund - Section 57-61-01.5 - Research, development, and marketing for lignite industry.

North Dakota outdoor heritage fund - Section 54-17.8-02 - For grants to conserve natural areas, restore wildlife and fish habitats, and provide access to sportsmen.

North Dakota Pipeline Authority administrative fund - Section 54-17.7-11 - For operations of the Pipeline Authority.

Oil and gas research fund - Section 57-51.1-07.3 - Oil and gas research and education.

Oil and gas reservoir data fund - Section 38-08-04.6 - Oil and gas reservoir data.

Renewable energy development fund - Section 54-63-04 - Renewable energy research, development, and education.

Significant Audit Findings

The operational audit for the Industrial Commission conducted by the State Auditor's office during the 2017-18 interim identified an audit finding related to the untimely approval of meeting minutes, the same as the prior audit.

Major Related Legislation

Senate Bill No. 2037 - Establishes a radioactive waste disposal site regulatory program administered by the Industrial Commission.

Senate Bill No. 2123 - Clarifies the requirements for plugging and reclaiming well sites to include pipeline facilities and saltwater handling facilities.

Industrial Commission - Budget No. 405
House Bill No. 1014
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Position	General Fund	Other Funds	Total
2019-21 Biennium Base Level	110.25	\$25,408,987	\$15,343,206	\$40,752,193
2019-21 Ongoing Funding Changes				
Base payroll changes		(\$163,450)	\$40,140	(\$123,310)
Salary increase		954,104	60,842	1,014,946
Health insurance increase		427,039	26,456	453,495
Retirement contribution increase		125,062	7,935	132,997
Transfers \$221,737 to salaries and wages line item				0
Increases funding for 2 FTE positions (partial funding in 2017-19)		40,464		40,464
Adjusts funding for operating expenses		300,827	(36,324)	264,503
Adds funding for computer replacements		70,400		70,400
Adds funding for Microsoft Office 365 licensing		76,787	4,409	81,196
Reduces funding for bond payments			(2,701,717)	(2,701,717)
Total ongoing funding changes	0.00	\$1,831,233	(\$2,598,259)	(\$767,026)
One-time funding items				
Adds funding for rare earth element study			\$160,000	\$160,000
Adds funding for fracturing sand study			110,000	110,000
Adds funding for oil database software upgrade			5,000,000	5,000,000
Total one-time funding changes	0.00	\$0	\$5,270,000	\$5,270,000
Total Changes to Base Level Funding	0.00	\$1,831,233	\$2,671,741	\$4,502,974
2019-21 Total Funding	110.25	\$27,240,220	\$18,014,947	\$45,255,167

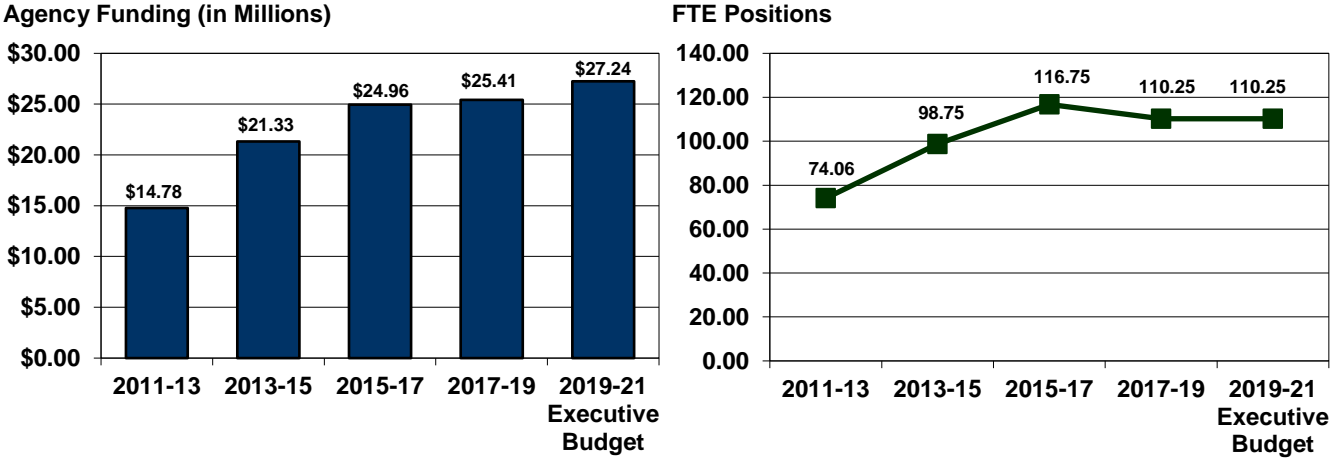
Other Sections for Industrial Commission - Budget No. 405

	Executive Budget Recommendation
Bond payments	Section 3 would provide legislative intent for bond payments, and Section 5 would provide appropriation authority, subject to Emergency Commission approval, for bond issuances during the 2019-21 biennium.
Administrative cost transfers	Section 9 would allow the Industrial Commission to transfer up to \$1,184,893 from special funds from the entities under the control of the Industrial Commission for administrative services. Section 21 would provide an exemption allowing unspent prior biennium appropriation authority for administrative costs to be available in the 2019-21 biennium.
Strategic investment and improvements fund	Sections 15, 16, and 17 would identify \$5,270,000 from the strategic investment and improvements fund for an information technology project (\$5,000,000), a rare earth element study (\$160,000), and a fracturing sand study (\$110,000).
Lignite research	Section 20 would designate \$4.5 million from the lignite research fund for lignite marketing studies, the Lignite Vision 21 program, or possible lignite-related litigation.
Survey review exemption	Section 22 would provide an exemption allowing the Industrial Commission to continue unspent prior biennium appropriation authority for a survey review during the 2019-21 biennium.

Department 405 - Industrial Commission

Historical Appropriations Information

Ongoing General Fund Appropriations Since 2011-13



Ongoing General Fund Appropriations					
	2011-13	2013-15	2015-17	2017-19	2019-21 Executive Budget
Ongoing general fund appropriations	\$14,776,213	\$21,333,325	\$24,957,746	\$25,408,987	\$27,240,220
Increase (decrease) from previous biennium	N/A	\$6,557,112	\$3,624,421	\$451,241	\$1,831,233
Percentage increase (decrease) from previous biennium	N/A	44.4%	17.0%	1.8%	7.2%
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	44.4%	68.9%	72.0%	84.4%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2013-15 Biennium

- 1. Added funding for 2 FTE engineering technician positions authorized by the Emergency Commission in the 2011-13 biennium \$390,820
- 2. Added funding for 4 FTE engineering technician positions, 1 FTE geology analyst position, and 1 FTE accounting specialist position \$930,223
- 3. Added funding for 1 FTE geologist position \$215,251
- 4. Added funding for 3 FTE petroleum engineering field inspector positions, 3 FTE engineering technician field inspector positions, and 1 FTE engineering technician core library specialist position \$1,356,581
- 5. Added funding for 1 FTE petroleum engineering production supervisor position, 1 FTE engineering technician measurement analyst position, and 2 FTE administrative assistant positions \$534,900
- 6. Added funding for 3 FTE contingent engineering technician positions \$586,230
- 7. Removed funding for the carbon dioxide storage facility administration fund, including 1 FTE position, which had been added in the 2011-13 biennium (\$532,000)
- 8. Added funding to allow the department to hire 5 FTE positions prior to the start of the biennium \$61,751
- 9. Added funding for lease payments in a new space for the additional staff \$224,868
- 10. Added funding for travel expenses related to State Fleet Services rate increases \$244,872

2015-17 Biennium

- 1. Added funding for 7 FTE engineering technician positions \$1,513,195
- 2. Added funding for 1 FTE petroleum engineering position \$162,018
- 3. Added funding for 1 FTE safety officer position \$187,717
- 4. Added funding for 1 FTE human resources specialist position \$139,380
- 5. Added funding for 1 FTE budget specialist position \$174,519

6. Added funding for 1 FTE reclamation specialist position	\$230,911
7. Added funding for 1 FTE surface geologist position	\$244,192
8. Added funding for 2 FTE survey engineering technician positions	\$323,769
9. Added funding for 1 FTE pipeline regulatory supervisor position	\$240,339
10. Added funding for 1 FTE pipeline regulatory administrative assistant position	\$139,639
11. Added funding for operating expenses, including travel and ongoing costs related to the core library	\$233,125

2017-19 Biennium

1. Removed 8.5 FTE positions, including 6.5 FTE engineering technician positions and 2 FTE administrative assistant positions	(\$577,999)
2. Added funding for contingent FTE engineering technician positions	\$221,737
3. Added funding for operating expenses primarily related to travel, information technology software and services, and professional services	\$448,753

2019-21 Biennium (Executive Budget Recommendation)

1. Provides funding for state employee salary and benefit increases of which \$1,014,946 is for salary increases, \$453,495 is for health insurance increases, and \$132,997 is for retirement increases	\$1,506,205
2. Increases funding for 2 FTE positions that were partially funded as contingent positions in the 2017-19 biennium	\$40,464
3. Adjusts funding for operating expenses primarily related to travel and building leases	\$300,827
4. Adds funding for computer replacements	\$70,400
5. Adds funding for Microsoft Office 365 licensing	\$76,787

**GOVERNOR'S RECOMMENDATION FOR THE
INDUSTRIAL COMMISSION AS SUBMITTED
BY THE OFFICE OF MANAGEMENT AND BUDGET**

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 state industrial commission and agencies under its control for the purpose of defraying the expenses of the state industrial commission and agencies under its control, for the biennium beginning July 1, 2019, and ending June 30, 2020, as follows:

Subdivision 1.

INDUSTRIAL COMMISSION

	<u>Base level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$22,014,084	\$1,740,329	\$23,754,413
Operating Expenses	5,305,888	686,099	5,991,987
Capital Assets	-	5,000,000	5,000,000
Grants - Bond Payments	13,210,484	(2,701,717)	10,508,767
Contingencies	<u>221,737</u>	<u>(221,737)</u>	<u>0</u>
Total all funds	\$40,752,193	\$4,502,974	\$45,255,167
Less estimated income	<u>15,343,206</u>	<u>2,671,741</u>	<u>18,014,947</u>
Total general fund	\$25,408,987	\$1,831,233	\$27,240,220
Full-time equivalent positions	110.25	0.00	110.25

Subdivision 2.

BANK OF NORTH DAKOTA - OPERATIONS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Bank of North Dakota operations	\$58,489,204	\$84,826,125	\$143,315,329
Capital assets	810,000	700,000	1,510,000
Total all funds	<u>\$59,299,204</u>	<u>\$85,526,125</u>	<u>\$144,825,329</u>
Less estimated income	59,299,204	5,526,125	64,825,329
Total general fund	\$0	\$80,000,000	\$80,000,000
Full-time equivalent positions	181.50	0.00	181.50

Subdivision 3.

MILL AND ELEVATOR ASSOCIATION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$39,308,519	\$7,371,412	\$46,679,931
Operating expenses	28,195,000	1,642,000	29,837,000
Contingencies	500,000	0	500,000
Agriculture promotion	210,000	0	210,000
Total from mill and elevator fund	<u>\$68,213,519</u>	<u>\$9,013,412</u>	<u>\$77,226,931</u>
Full-time equivalent positions	153.00	4.00	157.00

Subdivision 4.

HOUSING FINANCE AGENCY

Adjustments or

	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$7,892,056	\$723,593	\$8,615,649
Operating expenses	4,743,355	602,921	5,346,276
Grants	31,794,828	21,671,772	53,466,600
Housing finance agency contingencies	100,000	0	100,000
Total special funds	<u>\$44,530,239</u>	<u>\$22,998,286</u>	<u>\$67,528,525</u>
Full-time equivalent positions	44.00	0.00	44.00

Subdivision 5.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$25,408,987	\$81,831,233	\$107,240,220
Grand total special funds	<u>187,386,168</u>	<u>40,209,564</u>	<u>227,595,732</u>
Grand total all funds	\$212,795,155	\$122,040,797	\$334,835,952

SECTION 2. ONE-TIME FUNDING – EFFECT ON BASE BUDGET – REPORT TO SIXTY-SIXTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-fourth legislative assembly for the 2017-19 biennium and the 2019-21 one-time funding items included in the grand total appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Litigation	\$1,000,000	\$0
Industrial water supply asset study	150,000	0
Soil remediation study	5,000,000	0
Ordinary high-water mark survey review	800,000	0
Housing incentive fund	0	20,000,000
Infrastructure loan fund	0	55,000,000
School construction loan fund	0	25,000,000
Equipment - BND	0	700,000
RBDMS upgrade	0	5,000,000
Rare earth study	0	160,000
Proppant sand study	<u>0</u>	<u>110,000</u>
Total all funds	\$6,950,000	\$105,970,000
Total special fund	<u>6,950,000</u>	<u>25,970,000</u>
Total general fund	\$0	\$80,000,000

The 2019-21 one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The industrial commission shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. LEGISLATIVE INTENT - BOND PAYMENTS. The amount of \$10,508,767 included in subdivision 1 of section 1 of this Act in the grants - bond payments line item must be paid from the following funding sources during the biennium beginning July 1, 2019, and ending June 30, 2021:

North Dakota university system	\$4,959,448
North Dakota university system - energy conservation projects	415,664
Department of corrections and rehabilitation	689,299
Department of corrections and rehabilitation – energy conservation projects	16,180
State department of health	644,884
Job service North Dakota	434,847
Office of management and budget	567,125
Office of attorney general	647,500

State historical society	1,177,875
Parks and recreation department	66,875
Research and extension service	483,337
Veterans' home	405,733
Total	\$10,508,767

SECTION 4. APPROPRIATION. In addition to the amount appropriated to the housing finance agency in subdivision 4 of section 1 of this Act, there is appropriated any additional income or unanticipated income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 5. APPROPRIATION - ADDITIONAL FUNDS FROM BONDS - EMERGENCY COMMISSION APPROVAL. In addition to the amount appropriated to the state industrial commission in subdivision 1 of section 1 of this Act, there is appropriated, with the approval of the emergency commission, funds that may become available to the commission from bonds authorized by law to be issued by the state industrial commission for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 6. TRANSFER – BANK OF NORTH DAKOTA PROFITS TO THE GENERAL FUND. During the biennium beginning July 1, 2019, and ending June 30, 2021, the industrial commission shall transfer to the state general fund \$140,000,000 from the current earnings and the accumulated undivided profits of the Bank of North Dakota. The moneys must be transferred in the amounts and at the times requested by the director of the office of management and budget after consultation with the Bank of North Dakota president.

SECTION 7. TRANSFER – INFRASTRUCTURE REVOLVING LOAN FUND. The Bank of North Dakota and total general fund line items in subdivision 2 of section 1 of this Act includes the sum of \$55,000,000 which the office of management and budget shall transfer to the infrastructure revolving loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 8. TRANSFER – SCHOOL CONSTRUCTION LOAN FUND. The Bank of North Dakota and total general fund line items in subdivision 2 of section 1 of this Act includes the sum of \$25,000,000 which the office of management and budget shall transfer to the school construction loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 9. TRANSFER – ENTITIES WITHIN THE CONTROL OF THE INDUSTRIAL COMMISSION TO INDUSTRIAL COMMISSION FUND. The sum of \$1,184,893, or so much of the sum as may be necessary, included in the special funds appropriation line item in subdivision 1 of section 1 of this Act, may be transferred from the entities within the control of the state industrial commission or entities directed to make payments to the industrial commission fund for administrative services rendered by the commission. Transfers shall be made during the biennium beginning July 1, 2019, and ending June 30, 2021, upon order of the commission. Transfers from the student loan trust must be made to the extent permitted by sections 54-17-24 and 54-17-25.

SECTION 10. TRANSFER - BANK OF NORTH DAKOTA - PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION. The Bank of North Dakota shall transfer the sum of \$26,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the partnership in assisting community expansion fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 11. TRANSFER - BANK OF NORTH DAKOTA - AGRICULTURE PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION. The Bank of North Dakota shall transfer the sum of \$3,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the agriculture partnership in assisting community expansion fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 12. TRANSFER - BANK OF NORTH DAKOTA - BIOFUELS PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION. The Bank of North Dakota shall transfer the sum of

\$1,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the biofuels partnership in assisting community expansion fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 13. TRANSFER - BANK OF NORTH DAKOTA - BEGINNING FARMER REVOLVING LOAN FUND. The Bank of North Dakota shall transfer the sum of \$6,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the beginning farmer revolving loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 14. TRANSFER - BANK OF NORTH DAKOTA – SCHOOL CONSTRUCTION LOAN FUND. The Bank of North Dakota shall transfer the sum of \$5,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the school construction loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 15. ESTIMATED INCOME – STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The less estimated income line item in subdivision 1 of section 1 of this Act includes \$5,000,000 from the strategic investment and improvements fund for a risk based data management system upgrade.

SECTION 16. ESTIMATED INCOME – STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The less estimated income line item in subdivision 1 of section 1 of this Act includes \$160,000 from the strategic investment and improvements fund for a rare earth research project.

SECTION 17. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The less estimated income line item in subdivision 1 of section 1 of this Act includes \$110,000 from the strategic investment and improvements fund for a proppant sand research project.

SECTION 18. SPECIAL FUNDS TRANSFER – STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO HOUSING INCENTIVE FUND. The less estimated income line item in subdivision 4 of section 1 of this Act includes the sum of \$20,000,000, or so much of the sum as may be necessary, from the strategic investment and improvements fund which may be transferred at the direction of the housing finance agency for the purpose of a transfer to the housing incentive fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 19. TRANSFER – BANK OF NORTH DAKOTA – TRANSFER TO THE NORTH DAKOTA DEVELOPMENT FUND INC. The Bank of North Dakota shall transfer the sum of \$15,000,000, from the Bank's current earnings and undivided profits to the North Dakota Development Fund Inc. during the biennium beginning July 1, 2019 and ending June 30, 2021. The funding must be used in accordance with N.D.C.C. 10-30.5 and to purchase existing New Venture Capital assets held by the Bank of North Dakota.

SECTION 20. LIGNITE RESEARCH, DEVELOPMENT, AND MARKETING PROGRAM - LIGNITE MARKETING FEASIBILITY STUDY. The amount of \$4,500,000 from the lignite research fund, or so much of the amount as may be necessary, may be used for the purpose of contracting for an independent, nonmatching lignite marketing feasibility study or studies that determine those focused priority areas where near-term, market-driven projects, activities, or processes will generate matching private industry investment and have the most potential of preserving existing lignite production and industry jobs or that will lead to increased development of lignite and its products and create new lignite industry jobs and economic growth for the general welfare of this state. Moneys appropriated pursuant to this section may also be used for the purpose of contracting for nonmatching studies and activities in support of the lignite vision 21 program; for litigation that may be necessary to protect and promote the continued development of lignite resources; for nonmatching externality studies and activities in externality proceedings; or other marketing, environmental, or transmission activities that assist with marketing of lignite-based electricity and lignite-based byproducts. Moneys not needed for the purposes stated in this section are available to the commission for funding projects, processes, or activities under the lignite research, development, and marketing program.

SECTION 21. EXEMPTION – INDUSTRIAL COMMISSION FUND. The amount appropriated to the industrial commission in the special funds appropriation line item in section 1 of chapter 39 of the 2017 Session Laws and transferred pursuant to section 8 of chapter 39 of the 2017 Session Laws is not subject

to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the industrial commission for administrative services rendered by the commission during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 22. EXEMPTION – ORDINARY HIGH-WATER MARK SURVEY REVIEW. The amount appropriated to the industrial commission in section 1 of chapter 39 of the 2017 Session Laws is not subject to section 54-44.1-11. Any unexpended funds from this appropriation are available to the industrial commission for expert legal testimony relating to the review during the biennium beginning July 1, 2019, and June 30, 2021.