

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.

Business and tourism acceleration commission - Composition - Appointment.

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

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

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

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

Authority - Accountability.

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

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

- a. An innovation grant program;
- b. A tourism grant program; and
- 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.