

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2014

- Page 1, line 2, after the semicolon insert "to create and enact two new sections to chapter 54-18 of the North Dakota Century Code, relating to mill and elevator profits and gain sharing;"
- Page 1, line 7, remove "and" and after "transfers" insert "; and to declare an emergency"
- Page 1, line 19, replace "2,733,761" with "2,138,453" and replace "9,941,305" with "9,345,997"
- Page 1, line 20, replace "609,886" with "459,886" and replace "2,865,576" with "2,715,576"
- Page 1, line 24, replace the first "1,000,000" with "200,000" and replace the second "1,000,000" with "200,000"
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- Page 2, line 5, replace "(15,000,000)" with "(20,000,000)" and replace "5,000,000" with "0"
- Page 2, line 6, replace "\$14,399,304" with "\$20,944,612" and replace "66,269,046" with "59,723,738"
- Page 2, line 7, replace "(20,071,262)" with "(20,083,862)" and replace "49,321,084" with "49,308,484"
- Page 2, line 8, replace "\$5,671,958" with "\$860,750" and replace "16,947,962" with "10,415,254"
- Page 2, line 14, replace "6,698,389" with "6,490,407" and replace "41,970,256" with "41,762,274"
- Page 2, line 17, replace "6,253,389" with "6,045,407" and replace "43,425,256" with "43,217,274"
- Page 2, line 29, replace the first "1,400,000" with "700,000" and replace the second "1,400,000" with "700,000"
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- Page 3, line 2, replace "1,400,000" with "700,000" and replace "11,750,000" with "11,050,000"
- Page 3, line 5, replace "1,400,000" with "700,000" and replace "10,800,000" with "10,100,000"
- Page 3, line 20, replace "1,533,535" with "1,151,836" and replace "6,230,247" with "5,848,548"
- Page 3, line 25, replace "\$297,102" with "\$678,801" and replace "41,232,188" with "40,850,489"
- Page 3, line 27, replace "4.00" with "2.00" and replace "47.00" with "45.00"
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- Page 4, line 1, replace "\$7,071,958" with "\$160,750" and replace "27,747,962" with "20,515,254"

Page 4, line 2, replace "(10,823,342)" with "21,934,951" and replace "174,985,770" with "207,744,063"

Page 4, line 3, replace "(\$3,751,384)" with "\$21,774,201" and replace "202,733,732" with "228,259,317"

Page 4, line 12, replace "1,000,000" with "200,000"

Page 4, remove line 14

Page 4, line 16, replace "7,493,152" with "1,693,152"

Page 7, line 29, replace "\$1,000,000" with "\$200,000"

Page 7, line 31, after the period insert "The use of funds provided for in this section must be approved by the lignite research council."

SECTION 13. MILL AND ELEVATOR - EVALUATION. The industrial commission shall obtain the services of a consultant to evaluate the state mill and elevator association. The evaluation must include a comparison to industry standards of:

1. Financial data reflected on balance sheets and income statements;
2. Cashflow data;
3. Ratio analyses of working capital, operating efficiency, marketing, and other ratios;
4. Liquidity ratios to determine appropriate working capital needed for the mill;
5. Pretax income levels;
6. Capital investment levels; and
7. Officer and employee compensation guidelines, including gain sharing programs.

The industrial commission shall report to the budget section on the results of the evaluation during the 2009-10 interim.

SECTION 14. HOUSING FINANCE AGENCY FINANCING - PILOT PROJECT. The housing finance agency may establish a pilot project using funds available in subdivision 5 of section 1 of this Act to provide incentives for private sector investment in single-family residential dwelling units and multifamily housing facilities in difficult-to-develop areas of the state, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 15. LEGISLATIVE INTENT - LAND PURCHASE. It is the intent of the sixty-first legislative assembly that to the best of its ability the Bank of North Dakota ensure that properties adjacent to Bank of North Dakota property northwest of west street are developed for uses that are consistent with the mission and purpose of the Bank of North Dakota.

SECTION 16. LEGISLATIVE INTENT - COLLEGE SAVE PROGRAM INCENTIVE. It is the intent of the sixty-first legislative assembly that the Bank of North Dakota use administrative fee collections associated with the Bank's college SAVE

program to provide incentives to establish 529 college savings plans under the Bank's college SAVE program.

SECTION 17. Two new sections to chapter 54-18 of the North Dakota Century Code are created and enacted as follows:

Transfer of North Dakota mill and elevator profits to general fund. The industrial commission shall transfer to the state general fund seventy percent of the annual earnings and undivided profits of the North Dakota mill and elevator association. The moneys must be transferred in the amounts and at the times requested by the director of the office of management and budget. A transfer must be made under this section if the total net assets balance of the mill and elevator is at least twenty-five percent of the mill and elevator's total annual operating budget for that same year.

Gain sharing program. The industrial commission may not approve a gain sharing program for mill and elevator employees from mill and elevator profits unless the total net assets balance of the mill and elevator is at least twenty-five percent of the mill and elevator's total annual operating budget for that same year. Any legislatively authorized transfers to the state general fund must be made before a gain sharing program is approved. The goals and participation criteria for the gain sharing program must be designated in policy established by the industrial commission. The industrial commission shall report to the budget section regarding any approved gain sharing program at the first meeting after August thirty-first of each year. For the purpose of this section, "gain sharing program" means a program approved annually by the industrial commission with provisions that promote profitability, productivity, and safety.

SECTION 18. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the industrial commission, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|------------------------------|-------------|
| Renewable energy development | \$3,000,000 |
|------------------------------|-------------|

The industrial commission may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 19. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the housing finance agency, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|-------------------------------------|--------------|
| HOME tax credit assistance program | \$4,860,574 |
| Housing tax credit exchange program | 25,500,000 |
| Total federal funds | \$30,360,574 |

The housing finance agency may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess

of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available."

Page 8, after line 2, insert:

"SECTION 21. EMERGENCY. Sections 18 and 19 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98033.0316 FN 6

A copy of the statement of purpose of amendment is attached.