

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2287
(Senators Wanzek, Schneider, Wardner)
(Representatives Brandenburg, Headland, Pollert)

AN ACT to amend and reenact sections 6-09.7-02, 6-09.7-03, and 6-09.7-05 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program; to repeal section 6-09.7-03 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-09.7-02 of the North Dakota Century Code is amended and reenacted as follows:

6-09.7-02. (Effective through July 31, 20132015) Powers and duties of the Bank of North Dakota.

The Bank of North Dakota may:

1. Guarantee the loan of money by eligible banks, credit unions, and savings and loan associations, upon such terms, conditions, and procedures as it may establish in accordance with the provisions of this chapter, to any qualified person to assist that person in constructing an agriculturally derived fuel production facility. The facility must use biomass for agriculturally derived fuel production.
2. Take, hold, and administer, on behalf of the state from any source, any property, or any interest in the property, and the income therefrom, either absolutely or in trust, for any purpose of the guarantee loan program; provided, that no guarantee obligation of the Bank is payable out of any moneys of the Bank except those made available to the Bank under this chapter.
3. Adopt standards governing the qualifications and financial needs of applicants; establish a method of application for the guaranteeing of loans that may be made by banks, credit unions, farm credit associations, and savings and loan associations; and adopt any other standards necessary to administer this chapter.

(Effective after July 31, 20132015) Powers and duties of the Bank of North Dakota. The Bank of North Dakota may:

- ~~1. Guarantee the loan of money by eligible banks, credit unions, and savings and loan associations, upon such terms, conditions, and procedures as it may establish in accordance with the provisions of this chapter, to any qualified person to assist that person in constructing agriculturally derived fuel production facilities of a size to serve the community in or near which the facility is located. The facility must use grain-related and biomass farm products for agriculturally derived fuel production.~~
- ~~2. Take ~~take~~, hold, and administer, on behalf of the state from any source, any property, or any interest therein in the property, and the income therefrom, either absolutely or in trust, for any purpose of the state guarantee loan program; provided, that no guarantee obligation of the Bank is payable out of any moneys of the Bank except those made available to ~~it~~the Bank under this chapter.~~
- ~~3. Adopt standards governing the qualifications and financial needs of applicants, and establish a method of application for the guaranteeing of loans which may be made by banks, credit~~

~~unions, and savings and loan associations, and any other standards as may be necessary to administer properly this chapter.~~

SECTION 2. AMENDMENT. Section 6-09.7-03 of the North Dakota Century Code is amended and reenacted as follows:

6-09.7-03. (Effective through July 31, 2013~~2015~~) Extent of loan guarantee.

The extent of the loan guarantee under this chapter may not exceed ~~twenty-five~~thirty percent of the total loan. The maximum dollar amount of any guarantee on a single loan may not exceed ~~twelve~~twenty-five million ~~five hundred thousand~~ dollars. The extent of the value of all loan guarantees under this chapter may not, at any one time, exceed twenty-five million dollars.

(Effective after July 31, 2013~~2015~~) Extent of loan guarantee. The extent of the loan guarantee under this chapter may not exceed twenty-five percent of the total loan. The maximum dollar amount of any guarantee on a single loan may not exceed two million five hundred thousand dollars. The extent of the value of all loan guarantees under this chapter may not, at any one time, exceed ten million dollars.

SECTION 3. AMENDMENT. Section 6-09.7-05 of the North Dakota Century Code is amended and reenacted as follows:

6-09.7-05. (~~Effective through July 31, 2013~~) Establishment and maintenance of adequate guarantee funds - Use of strategic investment and improvements fund.

The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The Bank may request the director of the office of management and budget to transfer funds from the strategic investment and improvements fund created by section 15-08.1-08 to maintain ~~twenty-five~~one hundred percent of the guarantee reserve fund balance. Transfers from the strategic investment and improvements fund may not exceed a total of ~~six~~twenty-five million ~~two hundred fifty thousand~~ dollars. Moneys in the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program ~~shall~~must be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula ~~which~~that will assure, as determined by the Bank, an adequate amount of reserve.

~~**(Effective after July 31, 2013) Establishment and maintenance of adequate guarantee funds -- Use of strategic investment and improvements fund.** The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The guarantee reserve fund must be maintained from the strategic investment and improvements fund created by section 15-08.1-08 and any moneys transferred from the strategic investment and improvements fund to maintain the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program shall be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula which will assure, as determined by the Bank, an adequate amount of reserve.~~

SECTION 4. REPEAL. Section 6-09.7-03 of the North Dakota Century Code is repealed.

SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective August 1, 2015.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2287 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 94 Nays 0 Absent 0

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State