

February 7, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2224

Page 1, line 9, replace "at least fifty-one" with "one hundred"

Page 1, line 10, after "57-38.5" insert "and is in compliance with the requirements for filings with the securities laws of this state"

Page 1, after line 10, insert:

"2. "Director" means the director of the department of commerce division of economic development and finance."

Page 1, line 11, replace "2." with "3."

Page 1, line 15, replace "3." with "4."

Page 1, line 17, remove "- Investment reporting" and remove "The tax commissioner shall certify"

Page 1, replace lines 18 through 20 with:

- "1. The director shall certify whether a business that has requested certification as an angel fund meets the requirements of subsection 1 of section 57-38.7-01. The director shall establish the necessary forms and procedures for certifying qualifying angel funds."
- "2. The director shall issue a certification letter to a qualified angel fund. The certification letter must include:
  - a. The certification effective date.
  - b. The certification expiration date, which may not be more than four years from the certification effective date.
- "3. An angel fund seeking recertification shall apply to the director. The application for recertification must be filed with the director within ninety days before the original certification expiration date. The recertification issued by the director must comply with the provisions of subsection 2."

Page 2, line 12, after "A" insert "partnership, subchapter S corporation, or limited liability company that for tax purposes is treated like a partnership or any other"

Page 2, line 18, after "be" insert "made on or after the certification date and must be" and after "fund" insert "to be eligible for the tax credit under this section"

Page 2, after line 28, insert:

"7. An investment made in a qualified angel fund from the assets of a retirement plan participant's investment for the purposes of this chapter is a separate account, is maintained for the plan participant, and the participant directly controls where the account assets are invested."

Page 3, line 23, after the underscored period insert "The director is charged with administration of this chapter as it relates to certification of qualified angel funds and the commissioner of commerce may adopt rules for that purpose."

Renumber accordingly