

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1523

Page 1, line 3, replace "section" with "sections 4.1-44-03, 4.1-52-11, 4.1-72-07, and"

Page 1, line 4, after the first "to" insert "funds and"

Page 1, line 4, after "of" insert "agriculture commodity groups,"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 4.1-44-03 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-44-03. Agricultural commodity assessments funds - Investment income allocation - Purposes and uses.**

1. Notwithstanding any other provision of law, the state treasurer shall invest in accordance with section 21-10-07 all available moneys in:
  - a. The potato fund;
  - b. The oilseed fund;
  - c. The dry bean fund;
  - d. The dry pea and lentil fund;
  - e. The barley fund;
  - f. The soybean fund;
  - g. The corn fund;
  - h. The honey fund;
  - i. The turkey fund;
  - j. The milk marketing fund;
  - k. The dairy promotion commission fund;
  - l. The state wheat commission fund;
  - m. The ethanol fund; and
  - n. The North Dakota beef commission fund.
2. The investment of moneys must be made in cooperation with the governing body of the respective agricultural commodity entity. The state treasurer shall establish rules, in cooperation with the agricultural commodity organizations, to be followed regarding the investment of moneys in each fund. The state treasurer shall credit twenty percent of the investment income derived from each fund to the general fund in the state treasury as payment for accounting, printing, data processing, legal, and other services when provided without cost by the state to the agricultural

commodity entity. The state treasurer shall credit eighty percent of the investment income derived from each fund to the respective fund.

3. The funds identified in subsection 1 are not subject to the fund balance limitations provided in section 54-44-12 and section 4 of this Act. The governing body or entity that administers each fund shall establish policies regarding the permitted uses of the fund and an appropriate fund reserve balance.

**SECTION 2. AMENDMENT.** Section 4.1-52-11 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-52-11. Seed department fund - Continuing appropriation.**

1. The seed commissioner shall forward all moneys received under the chapters over which the commissioner has authority to the state treasurer for deposit in a special fund known as the seed department fund. All moneys in the seed department fund are appropriated on a continuing basis to the seed department to carry out its statutory and regulatory obligations. The seed department fund is not subject to the fund balance limitations provided in section 54-44-12 and section 4 of this Act.
2. The seed commissioner shall approve all expenditures made pursuant to the chapters over which the commissioner has authority and shall document the expenditures at the time and in the manner required by the office of management and budget.
3. The seed commissioner shall provide a report to the house and senate appropriations committees of the legislative assembly, at the time and in the manner directed by the chairmen of the committees. The report must contain a summary of the department's activities during the current biennium and a statement of revenues and expenditures for the ensuing biennium.
4. At the direction of the seed commission, the state treasurer shall invest all available moneys in the seed department fund. The state treasurer shall credit twenty percent of the investment income to the general fund and the remaining eighty percent of the investment income to the seed department fund.

**SECTION 3. AMENDMENT.** Section 4.1-72-07 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-72-07. Collection of fees - Continuing appropriation.**

The North Dakota stockmen's association shall forward all moneys received under this title to the state treasurer for deposit in a special fund known as the North Dakota stockmen's association fund. All moneys in the North Dakota stockmen's association fund, together with all income earned on the moneys in the fund, are appropriated on a continuing basis to the North Dakota stockmen's association to carry out its statutory directives. The North Dakota stockmen's association fund is not subject to the fund balance limitations provided in section 54-44-12 and section 4 of this Act."

Page 1, line 11, replace "fiscal year" with "biennium"

Page 1, line 13, after "to" insert "one-half of"

Page 1, line 13, replace "annual" with "biennial"

Page 1, line 16, replace "annual" with "biennial"

Page 1, line 17, replace "three" with "two"

Page 1, line 17, replace "fiscal years" with "bienniums"

Page 1, line 18, replace "Any" with "A fund categorized as an enterprise or internal service fund, as reported in the most recent state comprehensive annual financial report, and any"

Page 1, line 19, replace "statutory or contractual requirements" with "the following"

Page 1, line 20, after "section" insert:":

1. Funds held due to a constitutional or statutory provision;
2. Funds obligated for future projects and expenses; and
3. Funds held due to a contractual requirement or due to pending litigation"

Page 2, line 2, remove " - **Transfer**"

Page 2, line 13, remove "transfer the excess amount of funds from the"

Page 2, line 14, replace "account to the state treasurer for deposit in the legacy fund" with "reduce the fees charged by the entity by fifty percent until the balance of the account is below two hundred fifty thousand dollars or an amount equal to the annual expenses of the entity"

Page 2, line 18, replace "statutory or contractual requirements" with "the following"

Page 2, line 19, after "section" insert:":

1. Funds held due to a constitutional or statutory provision;
2. Funds held pursuant to the provisions of an administrative rule adopted under chapter 28-32;
3. Funds obligated for future projects and expenses; and
4. Funds held due to a contractual requirement or due to pending litigation"

Renumber accordingly