

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2342

Introduced by

Senators Thomas, Hogue, Kessel, Klein

Representative Beltz

1 A BILL for an Act to amend and reenact section 4.1-01.1-07 of the North Dakota Century Code,
2 relating to a value-added milk processing facility incentive program; and to authorize a Bank of
3 North Dakota line of credit.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4.1-01.1-07. Agriculture diversification and development fund - Continuing**
8 **appropriation.**

- 9 1. There is created in the state treasury the agriculture diversification and development
10 fund. The fund consists of all moneys transferred to the fund by the legislative
11 assembly, interest upon moneys in the fund, and payments of interest and principal on
12 loans made from the fund. Moneys in the fund are appropriated to the Bank of North
13 Dakota on a continuing basis for loan disbursements and administrative costs
14 pursuant to this section, and moneys in the fund are appropriated to the agriculture
15 commissioner on a continuing basis for grants pursuant to this section and section
16 4.1-01-27. The agriculture diversification and development committee shall designate
17 the amount available from the fund for loans, interest rate buydowns, and grants.
- 18 2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued
19 from the fund to support new or expanding value-added agriculture businesses that
20 demonstrate financial feasibility, enhance profitability for farmers and ranchers, create

1 jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued
2 from the fund for infrastructure improvements necessary for the development or
3 expansion of new or existing value-added agriculture businesses. Value-added
4 agriculture businesses include food production or processing facilities; feed or pet food
5 processing facilities; commodity processing facilities; agriculture product
6 manufacturers; and animal agriculture production facilities, including swine, poultry,
7 dairy, and feed lot production facilities.

8 3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns
9 from the fund in consultation with the agriculture diversification and development
10 committee. The Bank shall review loan applications. To be eligible for a loan under this
11 section, an entity shall agree to provide the Bank with information as requested. The
12 Bank may develop policies for loan participation with local financial institutions. The
13 Bank shall deposit in the fund all principal and interest paid on the outstanding loans.
14 The Bank may use a portion of the interest paid as a servicing fee to pay for
15 administrative costs, which may not exceed one-half of one percent of the amount of
16 the outstanding loans. The fund must be audited annually pursuant to section 6-09-29,
17 and the cost of the audit must be paid from the fund.

18 4. The agricultural diversification and development committee shall develop policies for
19 grants from the fund to support new or expanding value-added agriculture businesses,
20 including eligibility criteria, maximum grant amounts, and reporting requirements.
21 Based on recommendations from the agricultural diversification and development
22 committee, the agriculture commissioner shall distribute the grant funding.

23 5. The agriculture diversification and development committee shall develop a
24 value-added milk processing facility incentive program to provide grants.

25 a. Grant funding under this subsection is limited to the lesser of ~~ten~~five million
26 dollars or five percent of the total construction cost of building or expanding a
27 value-added milk processing facility in the state capable of processing at least
28 three million pounds [1360777 kilograms] of milk each year.

29 b. Grant funding under the program is a reimbursement for infrastructure, site
30 acquisition, or other capital expenditures necessary for the value-added milk

1 processing facility construction, including natural gas supply, electricity supply,
2 roads, water lines, wastewater lines, storm water conveyance, or rail lines.

3 c. Upon achieving one hundred percent of the processing capacity of the
4 value-added milk processing facility, the agriculture commissioner shall distribute
5 the grant award from funding available in the agriculture diversification and
6 development fund.

7 **SECTION 2. BANK OF NORTH DAKOTA - LINE OF CREDIT - VALUE-ADDED MILK**

8 **PROCESSING FACILITY INCENTIVE PROGRAM.** If the agriculture diversification and
9 development committee approves a grant under this Act, the agriculture commissioner may
10 borrow up to ~~\$10,000,000~~\$5,000,000 through a line of credit from the Bank of North Dakota for
11 deposit in the agriculture diversification and development fund during the biennium beginning
12 July 1, 2025, and ending June 30, 2027. The interest rate associated with the line of credit must
13 be the prevailing interest rate charged to North Dakota governmental entities. If the agriculture
14 commissioner accesses the line of credit, the agriculture commissioner shall request a
15 deficiency appropriation from the seventieth legislative assembly to repay the line of credit.