

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1475

Page 1, line 1, replace the first "a" with "two"

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, replace "4.1-01" with "4.1-01.1"

Page 1, line 5, replace "4.1-01" with "4.1-01.1"

Page 1, line 7, remove "- Advisory board"

Page 1, line 9, replace "2" with "3"

Page 1, line 13, replace "agriculture innovation fund advisory board" with "agricultural products utilization commission"

Page 1, line 14, remove "As appointed by the governor based on recommendations from agricultural"

Page 1, remove lines 15 through 24

Page 2, remove lines 1 through 3

Page 2, line 4, remove "4."

Page 2, line 4, replace "agriculture innovation fund advisory board" with "agricultural products utilization commission"

Page 2, line 8, remove "real property and"

Page 2, line 9, replace "to provide working capital" with "to construct infrastructure. Grants received under this section may not exceed thirty-five percent of the total cost of the project"

Page 2, line 9, remove "agriculture innovation fund advisory"

Page 2, line 10, replace "board" with "agricultural products utilization commission"

Page 2, line 12, replace "advisory board" with "agricultural products utilization commission"

Page 2, line 14, replace "5." with "3."

Page 2, line 16, remove "advisory board"

Page 2, line 17, replace "and agriculture commissioner" with "agricultural products utilization commission"

Page 2, after line 24, insert:

**"SECTION 2.** A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

## **Agriculture innovation fund - Access to records.**

1. To the extent the agricultural products utilization commission determines the materials or data provided under section 1 of this Act consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying for loans or grants with the commission, materials and data submitted to, made by, or received by the commission, are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota, and are subject to section 44-04-18.4.
2. A person may file a request with the commission to have material designated as confidential under subsection 1. The request must contain any information required by the commission and must include at least the following:
  - a. A general description of the nature of the information sought to be protected.
  - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.
  - c. An explanation of why the information is not readily ascertainable by proper means of other persons.
  - d. A general description of any person that may obtain economic value from disclosure or use of the information, and how the person may obtain this value.
  - e. A description of the efforts used to maintain the secrecy of the information.
3. Any request under subsection 2 is confidential. The commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the commission determines the information is either not relevant or not a trade secret, the commission shall notify the requester and the requester may ask for the return of the information and the request within ten days of the notice. If no return is sought, the information and request are public record.
4. The names or identities of independent technical reviewers on a project or program are confidential, may not be disclosed by the commission, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota."

Page 2, line 31, after "Act" insert "until the amount transferred to the agriculture innovation fund totals one hundred fifty million dollars. After the transfers to the agriculture innovation fund under this section total one hundred fifty million dollars, the state treasurer shall transfer immediately any amounts designated for the agriculture innovation fund to the legacy fund to become part of the principal"

Renumber accordingly