

FORTY-SIXTH LEGISLATURE  
SECOND SESSION, 2004

SB 33/a

February 2, 2004

Madam President:

Your **CORPORATIONS AND TRANSPORTATION COMMITTEE**, to whom has been referred

**SENATE BILL 33**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, strike "CENTERS OF EXCELLENCE" and insert in lieu thereof "TECHNOLOGY CLUSTER CREATION".
2. On page 6, line 7, strike "one-fourth" and insert in lieu thereof "one-half".
3. On page 6, line 9, strike "centers of excellence" and insert in lieu thereof "technology cluster creation".
4. On page 6, line 10, after the period insert "The commitment shall be disbursed upon notice from the manager of the fund as investments occur.".
5. On page 6, line 13, strike "CENTERS OF EXCELLENCE" and insert in lieu thereof "TECHNOLOGY CLUSTER CREATION".
6. On page 6, line 14, strike "centers of excellence" and insert in lieu thereof "technology cluster creation".
7. On page 6, line 15, strike "in the state treasury".
8. On page 6, line 20, strike "Money in" and insert in lieu thereof "The purpose of".
9. On page 6, strike line 21 in its entirety and insert in lieu thereof "to collaborate".
10. On page 6, line 22, after "manage" insert "seed and".

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11. On page 6, line 23, strike "new or expanding".

12. On page 7, line 1, strike "general" and insert in lieu thereof "severance tax permanent".

13. On page 7, strike lines 3 through 5 in their entirety and insert in lieu thereof:

"The manager of the technology cluster creation fund shall deliver an annual report to the governor and the legislative finance committee and within thirty days of its report, the manager shall return to the severance tax permanent fund an amount equal to the net excess of funds held by the fund. As used in this section, "net excess of funds" means the return on investments to the fund in the amount of dividends and interest actually received plus any capital gains actually realized, less the operating expenses of the fund and less amounts reasonably reserved for losses."".

14. On page 7, lines 9 and 10, strike "centers of excellence" and insert in lieu thereof "technology cluster creation".

15. On page 7, between lines 10 and 11, insert the following new subsection to read:

"A. shall act as the general partner for the fund and be paid a fee not to exceed two percent of the fund's total committed capital;".

16. Reletter succeeding subsections accordingly.

17. On page 7, line 15, after "officer" insert "responsible for the fund who:

(1) has at least five years professional experience in direct equity investing, private placement investments or investment banking and corporate finance;

(2) possesses professional credentials and related

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experience in financial analysis, in assessing the growth prospects of businesses or in evaluating business plans;

(3) has at least five years experience in structuring and negotiating corporate finance transactions; and

(4) has established permanent residency in the state".

18. On page 7, line 21, after ";" insert "and".

19. On page 8, line 1, strike "; and" and insert in lieu thereof a period and closing quotation mark.

20. On page 8, strike lines 2 through 13.,

and thence referred to the **FINANCE COMMITTEE**.

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Respectfully submitted,

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Roman M. Maes, III, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 1 Against

Yes: 5

No: Ingle

Excused: Cravens, Kidd, Snyder

Absent: None

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