

CHAPTER 4-14.1

AGRICULTURALLY DERIVED FUEL TAX FUND

4-14.1-01. Legislative policy and purpose. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by improving the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance to the research and marketing needs of the state by developing new uses for agricultural products, byproducts, and by seeking more efficient systems for processing and marketing agricultural products and byproducts, and to promote efforts to increase productivity and provide added value to agricultural products and stimulate and foster agricultural diversification and encourage processing innovations.

4-14.1-01.1. Definition. In this chapter, unless the context otherwise requires, "eligible facility" means an ethanol production plant constructed in this state after July 31, 2003.

4-14.1-02. Agricultural fuel tax fund - Purposes. There is created in the state treasury a fund known as the agricultural fuel tax fund which must be used to fund programs for the enhancement of agricultural research, development, processing, technology, and marketing. The fund must be used to defray the expenses of the North Dakota agricultural products utilization commission necessary to implement the purposes of this chapter.

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The agricultural fuel tax fund must be administered by the agricultural products utilization commission. The commission consists of nine members, five of whom must be appointed by the governor for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years. Three members appointed by the governor must be actively engaged in farming in this state and two members appointed by the governor must be actively engaged in business in this state. The agriculture commissioner shall appoint one member for a term of two years which expires in odd-numbered years. The member appointed by the commissioner must be actively engaged in farming in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July. The commissioner of commerce, the president of North Dakota state university, and the agriculture commissioner, or their designees, are members of the commission. The commission shall elect one of its members as chairman.

4-14.1-03.1. Agricultural products utilization commission - Authority.

1. The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter.
2. The commission may administer grant programs consistent with the purpose of this chapter including:
 - a. A basic and applied research grant program;
 - b. A utilization and marketing grant program;
 - c. A cooperative marketing grant program;
 - d. A nature-based tourism grant program;
 - e. A technical assistance grant program for value-added businesses;
 - f. A farm diversification grant program;
 - g. An agricultural prototype development grant program;

- h. An agricultural technologies grant program; and
 - i. A North American marketing grant program.
3. As a condition of the grant, the commission may require that the recipient repay some or all of the grant if the recipient does not fulfill the conditions of the grant. Repayment may be monetary or may be of any other type or method determined by the commission to be in the public interest.

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - Reports. The agricultural products utilization commission, which is an office of the department of commerce division of economic development and finance, shall meet as necessary and shall report to each session of the legislative assembly. The commission may secure office space, employ needed personnel for the performance of its duties, hire consultants, spend any funds appropriated to the commission, and contract with public entities or private parties for services.

4-14.1-05. Agricultural products utilization commission - Reimbursement - Compensation. All members of the agricultural products utilization commission must be reimbursed for their actual and necessary expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, according to sections 44-08-04 and 54-06-09. If not otherwise employed by the state of North Dakota, members of the commission are entitled to receive as per diem compensation one hundred thirty-five dollars for each day devoted to attending meetings and performing other duties relating to official business of the commission. The commission chairman, if not otherwise employed by the state of North Dakota, may receive an additional one hundred dollars for each day of a regular meeting attended as payment for reviewing and evaluating grant proposals.

4-14.1-06. Agricultural products utilization commission - Administrative expenses. Administrative expenses of the agricultural products utilization commission, including expenses of members of the commission, employment of needed personnel, hiring of consultants, and contracting with public or private entities for services may not exceed ten percent of the funds provided to the commission each biennium excluding federal funds.

4-14.1-07. Duration and limitation of ethanol plant production incentives - Report to budget section. Repealed by S.L. 2003, ch. 57, § 8.

4-14.1-07.1. Ethanol plant production incentives - Report to budget section. Redesignated as section 17-02-01 under S.L. 2007, ch. 204, § 5.

4-14.1-07.2. Ethanol production incentives - Payments for increased production. Redesignated as section 17-02-02 under S.L. 2007, ch. 204, § 5.

4-14.1-08. Ethanol production incentive - Calculation - Payment. Redesignated as section 17-02-03 under S.L. 2007, ch. 204, § 5.

4-14.1-09. Subsidy limitations. Redesignated as section 17-02-04 under S.L. 2007, ch. 204, § 5.

4-14.1-10. Ethanol production incentive fund - Continuing appropriation. Redesignated as section 17-02-05 under S.L. 2007, ch. 204, § 5.