



States' Biofuels Statutes

STATE OF NORTH DAKOTA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the North Dakota General Assembly.

§ 57-38.6-01. Definitions

As used in this chapter, unless the context otherwise requires:

1. "Agricultural commodity processing facility" means:
 - a. A facility that through processing involving the employment of knowledge and labor adds value to an agricultural commodity capable of being raised in this state; or
 - b. A livestock feeding, handling, milking, or holding operation that uses as part of its operation a byproduct produced at a biofuels production facility.
2. "Biofuels production facility" means a corporation, limited liability company, partnership, individual, or association in this state:
 - a. Involved in production of diesel fuel containing at least five percent biodiesel or green diesel as defined in section 57-43.2-01;
 - b. Involved in the production of corn-based ethanol or cellulose-based ethanol; or
 - c. Involved in a soybean or canola crushing facility.
3. "Director" means the director of the department of commerce division of economic development and finance.
4. "Passthrough entity" has the same meaning as in section 57-38-01.
5. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:

- a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of being an agricultural commodity processing facility;
- b. Has been certified by the securities commissioner to be in compliance under the securities laws of this state; and
- c. Has an agricultural commodity processing facility, or intends to locate one, in this state.

6. “Qualified investment” means an investment in cash or an investment of a fee simple interest in real property located in this state. For purposes of this chapter, the definition of real property does not include any personal property that may become a fixture to the real property, as defined by chapter 41-09, which is added to the real property following investment of the real property in the qualified business.

7. “Taxpayer” means an individual, estate, trust, corporation, or passthrough entity.

Credits: S.L. 2001, ch. 527, § 2; S.L. 2005, ch. 568, § 1; S.L. 2007, ch. 18, § 49, eff. Jan. 1, 2007; S.L. 2007, ch. 527, § 1; S.L. 2011, ch. 460, § 12, eff. July 1, 2011; S.L. 2013, ch. 443, § 30, eff. July 1, 2013.