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## **Biofuels Statutory Citations**

**State of North Dakota**

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## Biofuels Statutory Citations

### STATE OF NORTH DAKOTA

*This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

<b>Title</b>	<b>Citation</b>	<b>Applicability</b>	<b>Description</b>
Exemptions (2009)	<a href="#">N.D. CENT. CODE § 57-39.2-04</a>	Biodiesel	Sale of equipment to facility producing blended diesel that contains at least 2% biodiesel is exempt from paying sales tax on the equipment.
Biodiesel Partnership in Assisting Community Expansion (effective until July 31, 2009) (2007)	<a href="#">N.D. CENT. CODE §§ 17-03-01 - 17-03-05</a>	Both	Provides a 5% interest buy down for certain ethanol and biodiesel facilities, and must meet ownership requirements and be located in state. Both can receive up to \$500,000 in interest buy downs. Defines biodiesel production facility and ethanol production facility.
Retail sale of alternative fuels -- Notice required (2007)	<a href="#">N.D. CENT. CODE § 19-10-03.3</a>	Both	Labeling requirement for all alternative fuels and blended fuels sold in the state.
Alternative Fuel Tax Rates (2007)	<a href="#">N.D. CENT. CODE §§ 57-43.2-02 &amp; 57-43.2-03</a>	Both	A special excise tax rate of 2% is imposed on the sale of liquefied petroleum gas and a tax of \$0.04 per gallon is imposed on all sales of diesel fuel and other special fuels previously exempted.

25x'25 (2007)	<a href="#">N.D. CENT. CODE § 17-01-01</a>	Both	By Jan. 1, 2025 goal that U.S. should be able to supply 25% of energy needs from renewable sources.
Renewable Energy Council (2007)	<a href="#">N.D. CENT. CODE §§ 54-63-01 - 54-63-04</a>	Both	Creates a Council with goals to provide loans and incentives to develop renewable fuels inside North Dakota.
Definitions (2007)	<a href="#">N.D. CENT. CODE § 57-38.6-01</a>	Both	Defines "biofuels production facility".
Definitions (2007)	<a href="#">N.D. CENT. CODE § 19-10-01</a>	Biodiesel	Defines biodiesel.
Definitions (2007)	<a href="#">N.D. CENT. CODE § 57-43.2-01</a>	Biodiesel	Defines biodiesel.
Ethanol production incentives (2007)	<a href="#">N.D. CENT. CODE §§ 17-02-01 - 17-02-05</a>	Ethanol	Ethanol plant in operation before July 1, 1995 and production less than 15 million gallons can receive up to \$900,000 in production incentives for 2005-07 and none after 2007. Plants with greater than 15 million gallons can receive up to \$450,000 in incentives for 2005-07 and none after that. Incentive is based on using formula involving average quarterly price of corn and the average quarterly price of ethanol. Incentive is capped at \$1.6 million/facility annually.
Definitions (2007)	<a href="#">N.D. CENT. CODE § 57-43.1-01</a>	Ethanol	Defines E85.
Biomass incentive and research program (2007)	<a href="#">N.D. CENT. CODE § 54-17-38</a>	Ethanol	Industrial commission will work with renewable energy council to develop incentives for biomass energy, in particular provide funds for cellulosic ethanol studies.
Office of renewable energy and energy efficiency (2005)	<a href="#">N.D. CENT. CODE § 54-44.5-09</a>	Both	Office of renewable energy will assist in the development of renewable energy.

Income tax credit for blending of biodiesel fuel (2005)	<a href="#">N.D. CENT. CODE § 57-38-01.22</a>	Biodiesel	Blender is entitled to \$.05/gallon diesel blended with at least 5% biodiesel.
Income tax credit for biodiesel sales equipment costs (2005)	<a href="#">N.D. CENT. CODE § 57-38-01.23</a>	Biodiesel	Entitled for 5 years, 10%/year of a biodiesel fuel seller's direct costs incurred after Dec. 31, 2004. Limited to \$50,000 for each seller in all taxable years.
Tax imposed on motor vehicles fuels (2005)	<a href="#">N.D. CENT. CODE § 57-43.1-02</a>	Ethanol	E85 has a \$.01/gallon tax on sales in state.
Refund of tax for fuel used for agricultural purposes – Reductions (2003)	<a href="#">N.D. CENT. CODE § 57-43.1-03.1</a>	Ethanol	\$.01/gallon of refund withheld for motor vehicle fuel used for an agricultural purpose must be deposited in ethanol production incentives fund.
Corporate income tax credit for biodiesel production equipment costs (2003)	<a href="#">N.D. CENT. CODE § 57-38-30.6</a>	Biodiesel	Taxpayer is entitled to a credit of 10%/year, for 5 years, for direct costs after Dec. 31, 2002 to add equipment and retrofit. Can be carried forward for 5 years, and is limited to \$250,000/taxpayer.
Biomass Energy Center (1997)	<a href="#">N.D. CENT. CODE §§ 15-17-01 - 15-71-04</a>	Both	State board of higher education can establish biomass energy center at state university or universities. Is to conduct research, education, and technical assistance related to biomass.