

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 843*
Agriculture/Environment/Natural Resources Committee Substitute Adopted
5/23/07

Short Title: Establish the Biofuels Center of NC/Funds.

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BIOFUELS
3 INDUSTRY STRATEGIC PLAN WORK GROUP, TO PROVIDE FOR THE
4 INCORPORATION OF THE BIOFUELS CENTER OF NORTH CAROLINA,
5 AND TO ESTABLISH THE NORTH CAROLINA BIOFUELS CAMPUS WITHIN
6 THE OXFORD RESEARCH STATION OF THE DEPARTMENT OF
7 AGRICULTURE AND CONSUMER SERVICES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** The Co-Conveners of the Biofuels Industry Strategic Plan
10 Work Group established pursuant to Section 3.1 of S.L. 2006-206, as listed in the Final
11 Report of the Work Group entitled "Fueling North Carolina's Future – North Carolina's
12 Strategic Plan for Biofuels Leadership" presented to the Environmental Review
13 Commission on 3 April 2007, shall take all steps necessary to cause the "Biofuels
14 Center of North Carolina, Incorporated" to be incorporated as a nonprofit corporation
15 under Chapter 55A of the General Statutes. The Biofuels Center shall be incorporated so
16 as to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of
17 1986 (26 U.S.C. § 501(c)(3)). The Biofuels Center, in consultation with the Department
18 of Agriculture and Consumer Services, the Department of Commerce, and the North
19 Carolina Biotechnology Center, shall be responsible for implementation of "North
20 Carolina's Strategic Plan for Biofuels Leadership." In its implementation of the
21 Strategic Plan, the Biofuels Center may identify regulatory requirements applicable to
22 the biofuels industry and facilitate compliance with those regulatory requirements. This
23 act shall not be construed to affect any applicable regulatory requirements or to
24 authorize the Biofuels Center to implement an environmental regulatory program.

25 **SECTION 2.** The Department of Agriculture and Consumer Services shall
26 establish the North Carolina Biofuels Campus at the Oxford Research Station of the
27 Department. The Department of Agriculture and Consumer Services shall provide
28 facilities for the Biofuels Center of North Carolina, Incorporated, within the North

1 Carolina Biofuels Campus and shall enter into a lease agreement with the Biofuels
2 Center for these facilities and for other services as agreed to between the Department
3 and the Biofuels Center. The Department of Agriculture and Consumer Services shall
4 operate and manage the North Carolina Biofuels Campus in accordance with this act
5 and any Memoranda of Understanding or other agreement that the Department may
6 enter into with the Biofuels Center.

7 **SECTION 3.** The Biofuels Center of North Carolina, Incorporated, shall
8 prepare an annual report on the implementation of this act. The report shall include a
9 detailed description of the use of all funds appropriated to and allocated by the Biofuels
10 Center and any recommendations, including legislative proposals, that the Biofuels
11 Center determines to be desirable to promote the biofuels industry in the State. The
12 report shall be submitted on or before 1 December of each year to the Office of the
13 Governor, the Joint Legislative Commission on Governmental Operations, the
14 Environmental Review Commission, the House of Representatives Appropriations
15 Subcommittee on Natural and Economic Resources, the Senate Appropriations
16 Committee on Natural and Economic Resources, and the Fiscal Research Division of
17 the General Assembly. The first report is due on or before 1 December 2008.

18 **SECTION 4.** There is appropriated from the General Fund to the
19 Department of Agriculture and Consumer Services the sum of five million dollars
20 (\$5,000,000) for the 2007-2008 fiscal year and the sum of five million dollars
21 (\$5,000,000) for the 2008-2009 fiscal year to implement the provisions of this act. It is
22 the intention of the General Assembly that this appropriation be a recurring
23 appropriation. The Department of Agriculture and Consumer Services shall transfer the
24 funds appropriated under this act to the Biofuels Center of North Carolina, Incorporated,
25 upon its incorporation.

26 **SECTION 5.** This act becomes effective 1 July 2007.