

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1990**

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

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Sponsors: Representatives Crawford; and T. Harrell.

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Referred to: Appropriations.

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May 10, 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  
29 Carolina Biofuels Campus and shall enter into a lease agreement with the Biofuels

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

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

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

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