

SECTION 1. A new section to chapter 54-17 of the North Dakota Century Code is created and enacted as follows:

Fertilizer development fund - Fertilizer development council - Access to council records - Industrial commission powers - Legislative management report - Continuing appropriation.

1. There is created in the state treasury the fertilizer development fund. The fund consists of all moneys transferred to the fund by the legislative assembly; interest upon moneys in the fund; and donations, grants, and other contributions received by the commission for deposit in the fund. All moneys in the fund are appropriated to the commission on a continuing basis to provide grants and other financial assistance and for administrative and operating costs of the fertilizer development council pursuant to this section.

2. To be eligible for a grant or financial assistance from the fund, the fertilizer development project must be located within the state, and the owner of the fertilizer development project must be an entity domiciled in the United States or Canada. Grant awards and financial assistance are limited to twenty percent of the estimated project costs before the start of construction of the fertilizer plant. ~~Fifty percent of the grant awards and financial assistance must be designated for one or more fertilizer development projects that use hydrogen produced by the electrolysis of water. Fifty percent of the grant awards and financial assistance must be designated for one or more fertilizer development projects that use natural gas.~~ Grant awards and financial assistance must be designated for one or more fertilizer development projects that use hydrogen produced by the electrolysis of water, or projects that use natural gas or coal. A project may not receive more than fifty percent of the grant awards and financial assistance.

3. The fertilizer development council:

a. Consists of the following members:

- (1) The commissioner of commerce or the commissioner's designee to serve as chairman;
- (2) A representative of the agriculture industry appointed by the governor;
- (3) A representative of the biodiesel industry appointed by the governor;
- (4) A representative of the biomass industry appointed by the governor;
- (5) A representative of the wind industry appointed by the governor;
- (6) A representative of the ethanol industry appointed by the governor;
- (7) A representative of the advanced biofuel and sugar-based biofuel industry appointed by the governor; ~~and~~
- (8) A representative of the petroleum industry appointed by the governor; and
- (9) A representative of the lignite industry appointed by the governor