

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1430
(Representatives Headland, Lefor, Louser, Porter)
(Senators Hogue, Kannianen, Kessel)

AN ACT to create and enact a new section to chapter 57-39.2 and a new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code, relating to construction, expansion, or environmental upgrade of a renewable feedstock refinery; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Sales and use tax exemption for materials used in construction, expansion, or environmental upgrade of a renewable feedstock refinery.

1. As used in this section:
 - a. "Environmental upgrade" means an investment of more than one hundred thousand dollars in machinery, equipment, and related facilities for reducing emissions, increasing efficiency, or enhancing reliability of the equipment at a new or existing renewable feedstock refinery.
 - b. "Renewable feedstock" means "renewable biomass" as defined in 40 CFR section 80.1401.
 - c. "Renewable feedstock refinery" means a facility in this state which creates gasoline, jet fuel, or other transportation fuels by refining renewable feedstock through deoxygenation and has a nameplate capacity of processing of no fewer than five thousand barrels of renewable feedstock per day, and all adjacent units that are used in the processing of renewable feedstock.
2. Gross receipts from sales of tangible personal property used in constructing, expanding, or making an environmental upgrade to a renewable feedstock refinery are exempt from taxes under this chapter.
3. The exemption may be received only at the time of purchase. To receive the exemption, the owner of the renewable feedstock refinery must receive a certificate from the tax commissioner indicating the tangible personal property used to construct, expand, or make environmental upgrades to a renewable feedstock refinery that the owner intends to purchase qualifies for the exemption under this section.
4. This chapter and chapter 57-40.2 apply to an exemption under this section.

SECTION 2. A new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code is created and enacted as follows:

Tangible personal property as authorized or approved for exemption by the tax commissioner as provided in section 1 of this Act.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2023.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1430.

House Vote: Yeas 82 Nays 8 Absent 4

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State