Sixty-first
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments

ENGROSSED HOUSE BILL NO. 1489

Introduced by

Representatives Headland, Belter, Mueller

Senators Dotzenrod, Miller, Wanzek

A BILL for an Act to amend and reenact section 57-38-30.6 of the North Dakota Century Code, relating to a corporate income tax credit for soybean and canola crushing facility equipment costs; to provide for a legislative council study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-38-30.6 of the North Dakota Century Code is amended and reenacted as follows:

57-38-30.6. Corporate income tax credit for biodiesel production or soybean and canola crushing facility equipment costs. A taxpayer is entitled to a credit against tax liability determined under section 57-38-30 in the amount of ten percent per year for five years of the taxpayer's direct costs incurred after December 31, 2002, to adapt or add equipment to retrofit an existing facility ~~or adapting a new facility~~ in this state for the purpose of producing or blending diesel fuel containing at least two percent biodiesel fuel by volume or of the taxpayer's direct costs incurred after December 31, 2008, to adapt or add equipment to retrofit an existing facility in this state for the purpose of producing crushed soybeans or canola. For purposes of this section, "biodiesel" means fuel meeting the specifications adopted by the American society for testing and materials. The credit under this section may not exceed the taxpayer's liability as determined under this chapter for the taxable year and each year's credit amount may be carried forward for up to five taxable years. A taxpayer is limited to two hundred fifty thousand dollars in the cumulative amount of credits under this section for all taxable years. A taxpayer may not claim a credit under this section for any taxable year before the taxable year in which the facility begins production or blending of diesel fuel containing at least two percent biodiesel fuel by volume or begins crushing soybeans or canola, but eligible costs incurred before the taxable year production ~~or~~, blending, or crushing begins may be claimed for purposes of the credit under this section for taxable years on or after the taxable year production ~~or~~, blending, or crushing begins.

SECTION 2. LEGISLATIVE COUNCIL STUDY - INCENTIVES FOR VALUE-ADDED AGRICULTURE. During the 2009-10 interim, the legislative council shall consider studying the availability of tax incentives, grant programs, and any other direct or indirect public subsidization designed to encourage and promote value-added agriculture and any public and private benefits that accrue as a result of such availability. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2008.