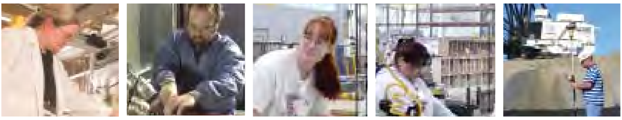
North Dakota
Tax Incentives
For Business

North Dakota...
An Economy that Works

OFFICE OF STATE TAX COMMISSIONER
Cory Fong, Tax Commissioner



A Message from Tax Commissioner Cory Fong

Tax Commissioner Cory Fong

Greetings!

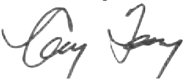
Thank you for your interest in doing business in North Dakota. I know you will find this is a great state in which to live and do business. In addition to a tax climate that encourages growth and opportunity, it is a well known fact that North Dakota offers one of the nation's best educated and most reliable workforces.

Whether you are looking for traditional tax incentives or innovative opportunities like the Renaissance Zones, you will find North Dakota has a lot to offer. This brochure will help you learn more about these opportunities and discover which incentives are best suited for you and your business.

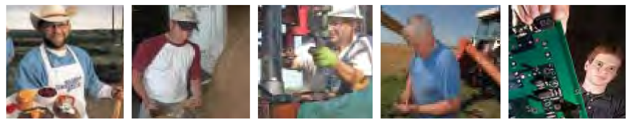
If you are already doing business in North Dakota or are new to the state, you will find that our state's tax climate is competitive with any in the nation.

I encourage you to call us with your questions about North Dakota's taxes. We would like the chance to help you any way we can.

Sincerely,



Cory Fong
North Dakota Tax Commissioner

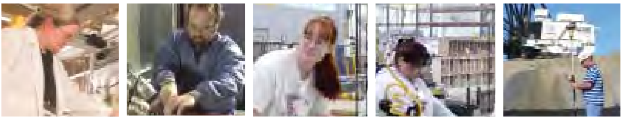


Tax Facts

You'll find plenty of reasons why North Dakota is a great place to do business. Here are just a few:

- *Our low individual income tax rates are competitive with other states that have an income tax. The rates—ranging from 1.51% to 3.99%—are applied to federal taxable income plus or minus certain state adjustments.**
- *Our corporation income tax rates range from 1.68 to 5.15% of North Dakota taxable income.* The state income is determined using an equally weighted three-factor apportionment formula. Partnerships, S corporations, and LLCs (treated like passthrough entities) do not pay income tax at the entity level; instead, the entity profit or loss is passed through to the entity's owners.*
- *In North Dakota, many items that other states tax are exempt from sales tax. For example, natural gas, electricity, most professional services, and groceries are not taxed.*
- *North Dakota exempts all personal property from taxation (except certain oil and gas refineries and utilities). That means no property tax on items like office equipment, inventory, accounts receivable, or materials in process.*
- *We have some of the most affordable workers compensation and unemployment insurance tax rates in the nation.*

**Tax rates apply to taxable years beginning after December 31, 2010.*



Property Tax Exemption

New or Expanding Business

Parameters

Any new or expanding business project may be granted a property tax exemption for up to five years. Two extensions are available:

- Agricultural processors may be granted a partial or full exemption for up to five additional years.
- A project located on property leased from a government entity qualifies for an exemption for up to five additional years upon annual application by the project operator.

In addition to, or instead of, an exemption, local governments and any project operator may negotiate payments in lieu of property tax for a period of up to 20 years from the date project operations begin.

Qualifications

To qualify, a project must be a new or expanded revenue-producing enterprise. All buildings, structures or improvements used in, or necessary to, the operation of the project qualify. The structure might be the project's buildings or the project's quarters within a larger building. Land does not qualify for an exemption.

A project is not eligible for an exemption if:

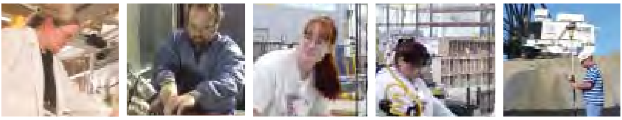
- a tax exemption was received under tax increment financing, or

- the governing body determines the exemption fosters unfair competition or endangers existing business.

Application Procedures

- The project operator applies to the city governing body if the project is located within city boundaries, or the county commission if the project is located outside city boundaries.
- The application for exemption must be made and approved before construction of a new structure begins. If an existing structure will be occupied, application must be made and approved before the structure is occupied.
- Payments in lieu of taxes may be approved after construction or occupancy of a structure.
- Nonvoting representation of affected school districts and townships must be included in the negotiation and deliberation of granting a property tax exemption or payment in lieu of taxes for new or expanding businesses.
- The project operator must publish two notices in the official newspaper of the city or county at least one week apart if the appropriate governing body determines there are local competitors. The last notice must be published at least 15 days, but not more than 30 days, before the application is considered.
- A public hearing on the application must be held. After the public hearing, the appropriate governing body acts on the application.

[Reference: North Dakota Century Code ch. 40-57.1]



Personal Property Tax Exemption

North Dakota exempts all personal property from property taxation *except* that of certain oil and gas refineries and utilities.

[Reference: N.D.C.C. §§ 57-02-04 and 57-02-08]

Property Tax Reduction

Wind Turbine Electric Generation

A property tax reduction applies to a centrally assessed wind turbine electric generation unit with a nameplate generation capacity of 100 kilowatts or more. A centrally assessed wind turbine electric generation unit is a unit that produces electric power for public use.

For an eligible wind turbine on which construction is completed before January 1, 2015, the taxable value is calculated at 3% of assessed value instead of at 10% which applies to other centrally assessed property. The taxable value is calculated at 1½% of assessed value if:

- construction of the wind turbine is completed after June 30, 2006, and before January 1, 2015, or
- a purchased power agreement was executed after April 30, 2005, and before January 1, 2006, and the construction of the wind turbine was completed after April 30, 2005, and before July 1, 2006. The valuation calculated at 1½% of assessed value only applies for the duration of

the purchased power agreement initially executed for the wind turbine.

[Reference: N.D.C.C. § 57-06]

Payment in Lieu of Property Tax

Coal Conversion Facility Privilege Tax Exemptions

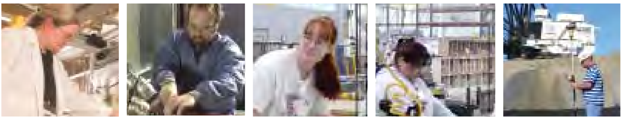
A privilege tax, which is in lieu of property taxes on the facility, is imposed monthly on a coal conversion facility. The land on which the plant is located remains subject to property tax.

Electrical generating facilities

An electrical generating facility with at least one generating unit with a capacity of 10,000 kilowatts or more is subject to a tax of .65 mill times 60% of installed capacity times the number of hours in the tax period, plus a tax of .25 mill per kilowatt hour of electricity produced for sale. A new or repowered unit is exempt from the state's share of both taxes for the first five years of operation, and the county where the plant is located may exempt all or part of its share of the tax based on capacity for up to five years.

Other coal conversion facilities

A coal gasification facility that consumes, or is designed to use, 500,000 tons or more of coal per year is subject to a tax equal to the greater of 4.1% of gross receipts or 13½ cents on each 1,000 cubic feet of synthetic natural gas produced for sale. Production in excess of 110 million cubic feet per day is exempt.



A coal beneficiation facility is subject to a tax of 20 cents per ton of beneficiated coal produced for sale or 1¼% of gross receipts, whichever is greater. Production in excess of 80% of plant capacity is exempt.

For any other coal conversion facility that consumes, or is designed to use, 500,000 tons or more of coal per year, the tax is 4.1% of gross receipts.

A new coal conversion facility other than an electrical generating facility is exempt from the state's share of the tax for the first five years of operation, and the county where the plant is located may exempt the county's share of the tax for up to five years.

Carbon dioxide sale and capture exemptions

In computing its taxable gross receipts, a coal conversion facility may exclude income from the sale and transportation of carbon dioxide used in the enhanced recovery of oil or natural gas.

A coal conversion facility that achieves a 20% capture of carbon dioxide emissions during a taxable period after December 31, 2009, is exempt from 20% of the state's share of the tax. An additional 1% of the state's share of the tax is exempted for each additional 2% capture of carbon dioxide emissions, to a maximum of 50% of the state's share of the tax.

[Reference: N.D.C.C. ch. 57-60]

Oil Tax Incentives

North Dakota offers oil tax incentives, many of which are currently unavailable because oil prices exceed the statutory level at which the incentives apply. For details about these, contact the Office of State Tax Commissioner at 701.328.7088.

Sales Tax Exemptions

Agricultural Commodity Processing Plant Construction Materials

Construction materials used to construct an agricultural commodity processing facility are exempt from sales and use taxes.

[Reference: N.D.C.C. § 57-39.2-04.4]

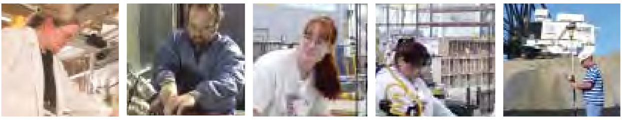
Coal Mine Machinery or Equipment

A sales and use tax exemption may be granted for machinery or equipment used to produce coal from a new mine in North Dakota. The exemption for each new mine is limited to the first $5 million of sales and use tax paid. The exemption extends to replacement machinery or equipment if the capitalized investment in the new mine exceeds $20 million.

[Reference: N.D.C.C. § 57-39.2-04.8]

Computer and Telecommunications Equipment

For primary sector businesses other than manufacturers and recyclers, a sales and use tax exemption is allowed for purchases of computer and telecommunications equipment. To qualify for exemption, the equipment must be an integral part of a new primary sector business or create an economic expansion of



an existing business, and the primary sector business must be certified by the Department of Commerce Division of Economic Development and Finance. The exemption does not extend to the purchase of replacement equipment.

[Reference: N.D.C.C. § 57-39.2-04.3]

Electrical Generating Facilities--Coal-Powered

A sales and use tax exemption may be granted for purchasing building materials, production equipment and other tangible personal property used in the construction or expansion of coal-powered electrical generating facilities. To qualify, the facility must convert beneficiated coal or coal from its natural form into electrical power and have at least one single electrical generation unit with a capacity of 50,000 kilowatts or more.

[Reference: N.D.C.C. §§ 57-39.2-04.2 and 57-40.2-04.2]

Electrical Generating Facilities--Wind-Powered

A sales and use tax exemption is allowed for purchasing building materials, production equipment, and other tangible personal property used in the construction or expansion of wind-powered electrical generating facilities between July 2001 and January 2015. To be eligible, a facility must have at least one single electrical energy generation unit with a nameplate capacity of 100 kilowatts or more.

[Reference: N.D.C.C. §§ 57-39.2-04.2 and 57-40.2-04.2]

Electrical Generating Facilities--Other

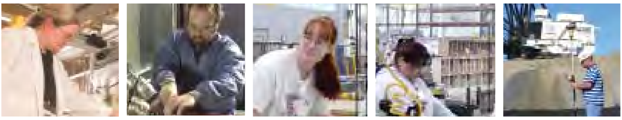
A sales and use tax exemption may be granted for purchasing building materials, production equipment and other tangible personal property used in the construction or expansion of an electrical generating facility other than a coal- or wind-powered facility. To qualify, the facility must produce electricity for resale or for consumption in a business activity and have at least one single electrical generation unit with a capacity of 100 kilowatts or more.

[Reference: N.D.C.C. §§ 57-39.2-04.2 and 57-40.2-04.2]

Gas Processing Facilities

A sales and use tax exemption may be granted for purchasing building materials, equipment, and other tangible personal property used in the expansion or construction of a gas processing facility. Also, tangible personal property used to construct or expand a system to compress, process, or gather gas recovered from an oil or gas well in North Dakota may qualify for an exemption. In addition, purchases of machinery, equipment, and related facilities for environmental upgrades that exceed $100,000 and that reduce emissions, increase efficiency, or enhance reliability of equipment may also qualify for an exemption.

[Reference: N.D.C.C. §§ 57-39.2-04.2 and 57-39.2-04.5]



Manufacturing, Agricultural, or Recycling Equipment

A new or expanding plant may exempt machinery or equipment from sales and use taxes if it is:

- used primarily for manufacturing or agricultural processing, or
- used solely for recycling.

The expansion must increase production volume, employment, or the types of products that can be manufactured or processed.

[Reference: N.D.C.C. § 57-39.2-04.3]

Oil Refineries

A sales and use tax exemption may be granted for building materials, equipment, and other tangible personal property used to expand or construct an oil refinery in North Dakota. To qualify, the facility must have a nameplate capacity of processing at least 5,000 barrels of oil per day. In addition, purchases for environmental upgrades that exceed $100,000 and that reduce emissions, increase efficiency, or enhance reliability of equipment may also qualify for an exemption.

[Reference: N.D.C.C. §§ 57-39.2-04.2 and 57-39.2-04.6]

Telecommunications Infrastructure

A sales and use tax exemption may be granted through December 31, 2012 for purchasing tangible personal property used to construct or expand telecommunications service infrastructure within the state. To qualify, the property must be incorporated into a

telecommunications service infrastructure owned by a telecommunications company.

[Reference: N.D.C.C. § 57-39.2-04.7]

Sales Tax Exemption Approval Process

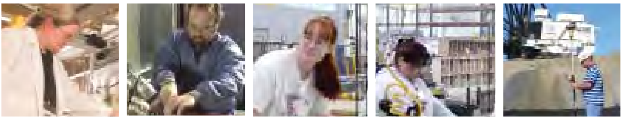
For coal mine machinery and equipment, the mine operator is required to apply for a refund of the qualifying tax paid. For the remaining preceding sales tax exemptions, *prior* approval must be obtained from the State Tax Commissioner to qualify for the exemption at the time of purchase. If prior approval is not received, the purchaser must pay the tax and the project owner may apply for a refund of the tax paid on any property ultimately approved for exemption.

Contractors that purchase and install or consume tangible personal property eligible for exemption are required to pay sales or use tax on all property used in an exempt project unless the project owner provides an exemption letter issued by the Tax Commissioner stating that contractors are not liable for sales or use tax. Project owners may apply for a refund of tax paid by contractors on property qualifying for exemption.

[Reference: N.D.C.C. §§ 57-39.2-04.2, 57-39.2-04.3, and 57-40.2-04.2]

Biodiesel Equipment

The sale of equipment not installed by the seller to a facility licensed under N.D.C.C.



§ 57-43.2-05 to enable the facility to sell diesel fuel containing at least 2% biodiesel fuel or green diesel fuel by volume is exempt from sales tax.

[Reference: N.D.C.C. § 57-39.2-04(51)]

Carbon Dioxide for Enhanced Oil and Gas Recovery

The sale of carbon dioxide to be used for enhanced recovery of oil or natural gas is exempt from sales and use tax.

[Reference: N.D.C.C. §§ 57-39.2-04(49), and 57-40.2-04(24)]

Hydrogen Generation Facility

Sales of hydrogen used to power an internal combustion engine or fuel cell are exempt from sales tax. Equipment used directly and exclusively in the production and storage of this hydrogen by a hydrogen generation facility is also exempt from sales tax.

[Reference: N.D.C.C. § 57-39.2-04(50)]

Income Tax Exemption

New or Expanding Business

Qualifications

A primary sector or tourism business may qualify for an income tax exemption for up to five years. "Primary sector" refers to a business that adds value to a product, process, or service that produces new wealth in North Dakota. "Tourism" refers to a tourism-related business that is a destination attraction. Eligibility is limited to a new business or to an

existing business that expands its operations in North Dakota.

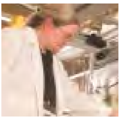
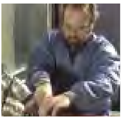
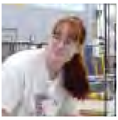
A business is not eligible for the exemption if:

- the business received a property tax exemption under tax increment financing,
- there is an outstanding recorded lien for delinquent property, income, sales or use taxes against the business, or
- the exemption fosters unfair competition or endangers existing business.

Application Procedures

- The business must apply to the State Board of Equalization, c/o State Tax Commissioner.
- The application must be filed no later than one year after the commencement of operations within the new business or expansion.
- The Department of Commerce Division of Economic Development and Finance reviews the application for primary sector or tourism eligibility.
- The business must provide notice to competitors as prescribed by the State Board.
- At a public meeting, the State Board considers the application and any testimony, and grants or denies the exemption.

[Reference: N.D.C.C. ch. 40-57.1]

Income Tax Incentives

Agricultural Commodity Processing Facility Investment Credit

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for investing in an agricultural commodity processing facility in North Dakota certified by the Department of Commerce Division of Economic Development and Finance.

An agricultural commodity processing facility includes a livestock feeding, handling, milking, or holding operation that uses as part of its operation a by-product produced at a biofuels production facility.

An investment may consist of a direct cash payment, a transfer of a fee simple interest in North Dakota real property, or a direct transfer of cash from a retirement plan for which the investor controls where the plan's assets are invested.

The credit is equal to 30% of the investment. No more than $50,000 of the credit may be used in any year. An unused credit may be carried forward up to ten years. A taxpayer is allowed no more than $250,000 in credits for all years. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their respective interests in the entity.

[Reference: N.D.C.C. ch. 57-38.6]

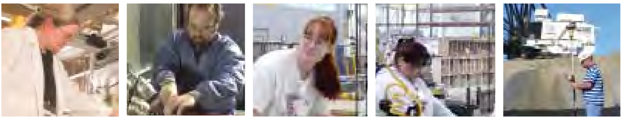
Angel Fund Investment Credit

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for investing in an angel fund in North Dakota certified by the Department of Commerce Division of Economic Development and Finance.

The credit is equal to 45% of the investment, up to a maximum credit of $45,000 per year. An unused credit may be carried forward up to seven tax years. A taxpayer claiming this credit may not claim an income tax credit passed through to the taxpayer by the angel fund resulting from the angel fund's investment in a qualified business for purposes of the seed capital or agricultural commodity processing facility investment tax credit programs.

For the 2011 and 2012 tax years only, a taxpayer may make an irrevocable election to sell, assign, or transfer up to $100,000 of angel fund tax credits to another taxpayer if certain conditions and reporting requirements prescribed in the law are satisfied. Only credits based on investments made in an angel fund first certified on or after August 1, 2011, by the Department of Commerce Division of Economic Development and Finance are eligible for transfer. Credits received as an owner of a passthrough entity that invested in an angel fund are not eligible for transfer.

Lifetime credit limit. For credits based on investments made on or after January 1, 2011, a taxpayer is allowed no more than $150,000



in cumulative credits over the taxpayer's lifetime. Married individuals are treated as one taxpayer for this limit. This limit does not apply to credits acquired from another taxpayer under the sale, assignment, or transfer election.

[Reference: N.D.C.C. § 57-38-01.26]

Automation Credit

Note: This credit is allowed only for the 2013, 2014, and 2015 tax years.

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for purchasing machinery and equipment for the purposes of automating a manufacturing process in North Dakota. The credit is equal to 20% of the cost of the machinery and equipment approved by the Department of Commerce Division of Economic Development and Finance (EDF). The business must be certified by EDF as a primary sector business to be eligible for the credit. An unused credit may be carried forward up to five tax years. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their ownership interests.

The credit allowed to a corporation included in a consolidated North Dakota income tax return may be used to reduce the aggregate tax liability of all corporations in the return.

The total credits allowed for all qualifying purchases by all taxpayers is limited to $2 million in any calendar year.

[Reference: N.D.C.C. § 57-38-01.33]

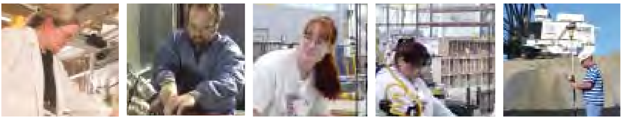
Tax Credits for Producing or Blending Biodiesel or Green Diesel and for Crushing Soybeans or Canola

A corporation is allowed an income tax credit for adapting or adding equipment to retrofit a facility or to construct a new facility in North Dakota that either (1) produces or blends biodiesel fuel or green diesel fuel or (2) crushes soybeans or canola. The credit is equal to 10% of the direct costs incurred, and is allowed in each of five tax years, starting with the tax year in which the production, blending, or crushing begins. An unused credit may be carried forward up to five tax years. A corporation is allowed no more than $250,000 of credits for all tax years.

[Reference: N.D.C.C. § 57-38-30.6]

A licensed fuel supplier who blends at least 5% biodiesel fuel or green diesel fuel is allowed an income tax credit of five cents per gallon of blended fuel. An unused credit may be carried forward up to five tax years.

A licensed seller of biodiesel fuel or green diesel fuel having at least a 2% blend is allowed an income tax credit for adapting or adding equipment to the seller's facility to enable it to sell the biodiesel or green diesel blend. The credit is equal to 10% of the direct costs incurred, and is allowed in each of five tax years, starting with the tax year in which the facility begins selling the biodiesel fuel or



green diesel fuel. An unused credit may be carried forward up to five tax years. A seller is allowed no more than $50,000 of credits for all years.

For the biodiesel and green diesel supplier and seller credits only: If the supplier or seller is a passthrough entity, such as a partnership or S corporation, the credit is passed through to the entity's owners in proportion to their respective interests in the entity.

[Reference: N.D.C.C. §§ 57-38-01.22 and 57-38-01.23]

Biomass, Geothermal, Solar, or Wind Energy Credit

A corporation is allowed an income tax credit for installing a biomass, geothermal, solar, or wind energy device in a building or on property owned or leased in North Dakota. The credit is equal to 3% of the cost of acquisition and installation and is allowed in each of the first five tax years, starting with the year in which installation is completed. A credit allowed to a corporation included in a consolidated North Dakota income tax return may be used to reduce the aggregate tax liability of all corporations included in the return. If a corporation holds an interest in a partnership (or a limited liability company treated like a partnership) that installs a device, the credit is passed through to the corporation in proportion to its interest in the entity.

An individual, estate, or trust is allowed an income tax credit for installing a geothermal

energy device in a building or on property owned or leased in North Dakota. To qualify, the device must be installed after December 31, 2008. The credit is equal to 3% of the cost of acquisition and installation and is allowed in each of the first five tax years starting with the year in which installation is completed. If an individual, estate, or trust holds an interest in a passthrough entity, such as a partnership or S corporation, that installs a geothermal energy device, the credit is passed through to the individual, estate, or trust in proportion to its interest in the entity.

For devices installed after September 30, 2008, an unused credit may be carried forward up to ten tax years; however, the carryforward period is twenty tax years for a wind device installed after September 30, 2009 and before January 1, 2012. (For devices installed before October 1, 2008, different carryforward periods apply.)

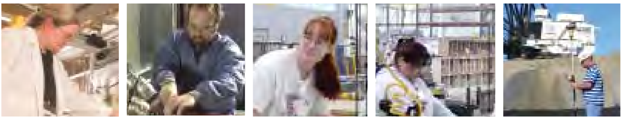
If ownership of a device is sold immediately upon completion of installation, and the device is fully operational, the credit transfers to and may be claimed by the purchaser of the device.

This credit does not apply for a device installed after December 31, 2014.

[Reference: N.D.C.C. § 57-38-01.8]

Certified Nonprofit Development Corporation Investment Credit

A corporation is allowed an income tax credit for buying membership in, paying dues to, or contributing to a certified nonprofit development corporation. The credit is equal



to 25% of the qualifying payments, up to a maximum credit of $2,000. An unused credit may be carried forward up to seven tax years.

[Reference: N.D.C.C. §§ 10-33-124 and 57-38-01.17]

Internship Employment Credit

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for employing an individual under an internship program located in North Dakota. The credit is equal to 10% of the compensation paid to the intern. This credit is allowed for up to five interns employed at the same time. An employer is allowed no more than $3,000 of credits for all tax years.

An intern must be enrolled in a college or vocational technical education program majoring in a field related to the work to be performed, and must be supervised and evaluated by the employer. The internship must qualify for academic credit. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their ownership interests.

[Reference: N.D.C.C. § 57-38-01.24]

Microbusiness Investment and Employment Credit

An income tax credit is allowed to an individual, estate, trust, partnership, corporation, or limited liability company certified as a microbusiness by the Department of Commerce Division of Economic

Development and Finance. A microbusiness is a business with up to five employees located in a community with a population under 2,000 that is actively involved in economic development. Other conditions also apply to be certified as a microbusiness.

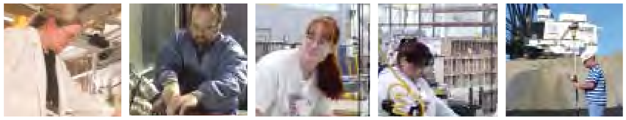
The credit is equal to 20% of the amount of new investment and new employment during the tax year. "New investment" means an increase in the cost of buildings and depreciable personal property (except vehicles registered for road use) acquired through purchase or lease in the current year as compared to the previous year. "New employment" means the increase in compensation paid to North Dakota resident employees in the current year as compared to the previous year. It does not include merit- or equity-based salary increases, cost of living adjustments, or any increase in compensation unrelated to the hiring of a new employee in the current year.

A taxpayer is allowed no more than $10,000 of credits for all tax years. An unused credit may be carried forward up to five tax years. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their ownership interests.

[Reference: N.D.C.C. § 57-38-01.27]

Research Expense Credit

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for conducting research in North Dakota. The credit is equal



to a percentage of the excess of qualified research expenses in North Dakota over the base amount in North Dakota.

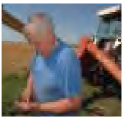
"Qualified research expenses" and "base amount" have the same meaning as defined under federal income tax law (I.R.C. § 41). The applicable percentage is 25% for the first $100,000 of excess expenses in a tax year. For excess expenses over $100,000 in a year, the applicable percentage for tax years 2007 through 2016 is:

- 20%, if qualified research in North Dakota first begins in 2007 through 2010, or
- 7½% for 2007, 11% for 2008, 14½% for 2009, and 18% for 2010 through 2016, if qualified research in North Dakota began before 2007, or
- 8%, if qualified research in North Dakota first begins after 2010.

For tax years after 2016, the applicable percentage for excess expenses over $100,000 in a year is 8% for all taxpayers, regardless of when qualified research first begins. For taxpayers who began qualified research in North Dakota before January 1, 2007, the maximum credit allowed in any year is $2 million, and any credit over this amount is not allowed in any year. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their ownership interests.

The credit allowed to a corporation included in a consolidated North Dakota income tax




return may be used to reduce the aggregate tax liability of all corporations in the return. This does not apply to tax credits received or purchased from other taxpayers.

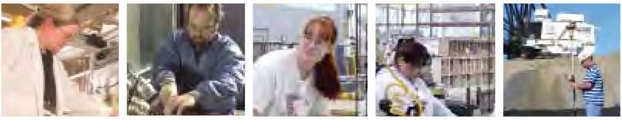
An unused credit may be carried back three tax years and carried forward up to fifteen tax years. Subject to certain conditions, a taxpayer may sell, transfer, or assign up to $100,000 of its unused tax credit to another taxpayer if the taxpayer selling the credit is certified by the Department of Commerce Division of Economic Development and Finance to be a primary sector business with annual gross revenues of less than $750,000 that conducts qualified research in North Dakota for the first time after December 31, 2006.

[Reference: N.D.C.C. § 57-38-30.5]

Seed Capital Investment Credit

An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for investing in a business certified by the Department of Commerce Division of Economic Development and Finance.

An investment may consist of a direct cash payment, or a direct transfer of cash from a retirement plan for which the investor controls where the plan's assets are invested. The credit is equal to 45% of the investment. No more than $112,500 of the credit may be used in any year. An unused credit may be carried forward up to four tax years. In the case of a passthrough entity, such as a partnership or S corporation, or in the case of an angel fund,



the credit is passed through to the entity's owners, or the fund's investors, in proportion to their respective interests.

Only the first $500,000 of eligible investments in the business are eligible for the tax credit. The total amount of tax credits allowed for investments made in all certified businesses in any calendar year is limited to $3.5 million.

[Reference: N.D.C.C. ch. 57-38.5]

Wage and Salary Credit

A corporation doing business in North Dakota for the first time is allowed an income tax credit equal to:

- 1% of wages and salaries paid during the tax year for each of the first three tax years of operation, and
- ½% of wages and salaries paid during the tax year for the fourth and fifth tax years.

A corporation qualifies for the credit if it:

- did not receive a property or income tax exemption under N.D.C.C. ch. 40-57.1,
- was not created from a reorganization or acquisition of an existing North Dakota business, and
- is engaged in assembling, fabricating, manufacturing, mixing or processing of an agricultural, mineral or manufactured product.

[Reference: N.D.C.C. § 57-38-30.1]

Workforce Recruitment Credit

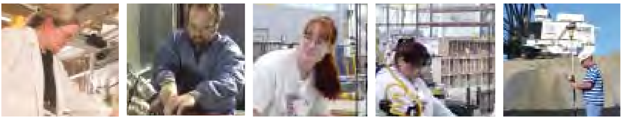
An individual, estate, trust, partnership, corporation, or limited liability company is allowed an income tax credit for employing

extraordinary recruitment methods to recruit and hire employees for hard-to-fill positions in North Dakota. The credit is equal to 5% of the compensation paid during the first 12 consecutive months to an employee hired to fill a hard-to-fill employment position, and is allowed in the first tax year following the tax year in which the employee completes the 12 consecutive month employment period. An unused credit may be carried forward up to four tax years. In the case of a passthrough entity, such as a partnership or S corporation, the credit is passed through to its owners in proportion to their ownership interests.

To qualify, an employer must pay an annual salary that is at least 125% of North Dakota's average wage and must have employed all of the following recruitment methods for at least six months to fill a position for which the credit is claimed: (1) Contracted with a professional recruiter for a fee; (2) Advertised in a professional trade journal, magazine, or other publication directed at a particular trade or profession; (3) Provided employment information on a web site for a fee; and (4) Paid a signing bonus, moving expenses, or atypical fringe benefits.

In addition, if an employer claims the credit, the employee hired in the hard-to-fill position is allowed a deduction for the signing bonus, moving expenses, or atypical fringe benefits paid by the employer that are included in the employee's federal taxable income.

[Reference: N.D.C.C. §§ 57-38-01.25 and 57-38-30.3(2)]



Renaissance Zones

Businesses and individuals may qualify for one or more tax incentives for purchasing, leasing, or making improvements to real property located in a North Dakota renaissance zone. A renaissance zone is a designated area within a city that is approved by the Department of Commerce Division of Community Services. The tax incentives consist of a variety of state income and financial institution tax exemptions and credits, and local property tax exemptions.

For more information, contact the local zone authority, the Department of Commerce Division of Community Services, or the Office of State Tax Commissioner.

[Reference: N.D.C.C. ch. 40-63]

Jobs Training Assistance

A program is available that assists a new or expanding primary sector business with training new employees. The cost of the training under the program is paid for in whole or in part with the income tax withheld from the new employees. For more information about this program, contact Job Service North Dakota.

[Reference: N.D.C.C. ch. 52-02.1]

Want to know more about doing business in North Dakota? Contact the Department of Commerce at:

www.growingnd.com

701.328.5300

Contact Information

Department of Commerce
PO Box 2057
Bismarck ND 58503-2057
Phone: 701.328.5300
E-mail: commerce@nd.gov
www.ndcommerce.com

Job Service North Dakota
PO Box 5507
Bismarck ND 58506-5507
Phone: 701.328.3358 or 866.873.6042
E-mail: jsndweb@nd.gov
www.jsnd.com

Office of State Tax Commissioner
600 E Boulevard Ave. Dept. 127
Bismarck ND 58505-0599
Phone: 701.328.7088
E-mail: taxinfo@nd.gov
www.nd.gov/tax

Office of State Tax Commissioner
Cory Fong, Tax Commissioner
600 E. Boulevard Ave. Dept. 127
Bismarck ND 58505-0599

E-mail: taxinfo@nd.gov
www.nd.gov/tax

Phone: 701.328.7088

www.nd.gov

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