



Ag commodity processing facility investment reporting form

► Applies to investments made on or after January 1, 2007.

Instructions for qualified business

Use this form only if you have been certified by the North Dakota Commerce Department's Division of Economic Development and Finance as a qualified business for purposes of the agricultural commodity processing facility investment tax credit program under N.D.C.C. ch. 57-38.6.

The information on this form applies to investments made on or after January 1, 2007.

You must complete and file this form for each qualified investment received. **Do not complete or file this form for an investment that does not qualify for the tax credit.** A qualified investment is one that meets all of the following conditions:

- The investment is made in cash or a fee simple interest in real property located in North Dakota. See N.D.C.C. §§ 57-38.6-01(4) and 57-38.6-03(8) for complete details.
- The investment is made on or after the date the qualified business was certified.
- The investment is made by an eligible taxpayer.
 - An eligible taxpayer means an individual, estate, trust, partnership, regular ("C") corporation, S corporation, or limited liability company that is required to file a North Dakota income tax return.

○ An eligible taxpayer **does not** include a government entity or a tax-exempt organization.

- The investment is at risk. An investment is at risk when it is available to the business for its use. Monies placed in escrow **are not** at risk.

A taxpayer who is a participant in a retirement plan with a separate account maintained for the participant and who controls where the account's assets are invested is deemed to have made a qualified investment in the case of a direct transfer of monies from the account to a qualified business. When completing this form, enter the name, address, and social security number of the individual (participant), not the retirement plan.

Filing instructions. Give a copy of the completed form to the investor. Keep a copy for your files. File a copy of this form with each of the following agencies:

- Office of State Tax Commissioner
600 E. Boulevard Ave. Dept. 127
Bismarck, ND 58505-0599
- Economic Development & Finance
PO Box 2057
Bismarck, ND 58502-2057

For an investment of a fee simple interest in real property, the copy of this form filed with the Office of State Tax Commissioner must be accompanied by: (1) a copy of the required appraisal, (2) a copy of the qualified business's governing body's resolution approving the value of the investment, and (3) a copy of the

statement of full consideration. See N.D.C.C. § 57-38.6-03(8) for complete details.

Instructions for investor

This form is evidence of your investment in a qualified agricultural commodity processing facility. Keep it for your records.

Amount of tax credit. To determine the amount of the tax credit allowed for your investment, see the instructions to your North Dakota income tax return filed for the tax year in which the date of investment (as shown on this form) falls.

Passthrough entity. If you are a partnership, S corporation, or a limited liability company treated like passthrough entity, the tax credit must be calculated at the passthrough entity level and passed through to the owners or beneficiaries based on their respective interests in the entity. See the instructions to Form 58 (partnership), Form 60 (S corporation), or Form 38 (trust) for more information.

Contact Information

If you have questions, contact us at:

- (701) 328-1247
(TDD/TTY call 1-800-366-6888 - ask for 701-328-1247)
- individualtax@nd.gov
- Office of State Tax Commissioner
600 E. Boulevard Ave. Dept. 127
Bismarck, ND 58505-0599

Investment information ▼

Date of investment ►	Amount of investment ►
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Investor's tax type: Individual Partnership Corporation S corporation Estate/trust
 Limited liability company

Name of investor _____ Social security number or FEIN _____
 Spouse's name, if joint investment _____ Spouse's social security number _____

Address _____ City _____ State _____ ZIP _____

Business certification ▼

Name of qualified business _____ FEIN _____
 Signature of authorized representative _____ Date _____
 Printed name of authorized representative _____