

Introduced by

Senators Luick, Dotzenrod

Representatives Amerman, Mitskog, Schreiber Beck

1 A BILL for an Act to amend and reenact subsections 5 and 6 of section 57-38.6-01 of the North
2 Dakota Century Code, relating to definition of qualified business and qualified investment under
3 the agricultural business investment tax credit; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsections 5 and 6 of section 57-38.6-01 of the North Dakota
6 Century Code are amended and reenacted as follows:

7 5. "Qualified business" means ~~aan~~ existing cooperative, corporation, partnership, or
8 limited liability company that:

- 9 a. Is incorporated or organized in this state ~~after December 31, 2000~~, for the
10 primary purpose of being an agricultural commodity processing facility;
11 b. Has been certified by the securities commissioner to be in compliance under the
12 securities laws of this state; and
13 c. Has an agricultural commodity processing facility, or intends to locate one, in this
14 state.

15 6. "Qualified investment" means an investment in cash ~~or~~, an investment of a fee simple
16 interest in real property located in this state, or a loan from members, shareholders,
17 employees, suppliers, or customers of a qualified business. For purposes of this
18 chapter, the definition of real property does not include any personal property that may
19 become a fixture to the real property, as defined by chapter 41-09, which is added to
20 the real property following investment of the real property in the qualified business.

21 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
22 December 31, 2014.