

AGRICULTURAL COMMODITY PROCESSING FACILITY INVESTMENT TAX CREDIT - MULTISTATE SURVEY

This memorandum was requested to provide information on the availability of incentives in other states that are similar to the agricultural commodity processing facility investment tax credit provided in North Dakota Century Code Section 57-38.6-03. The following table provides an overview of each incentive, including the name of the incentive, the agency administering the incentive, a brief description of the incentive, and the statutory citation.

State	Incentive Title	Administering Agency	Description	Statutory Citation
Massachusetts	Investment Tax Credit	Executive Office of Housing and Economic Development	A corporation may claim a credit against excise tax liability for a portion of the amount expended for tangible personal property used in research and development, manufacturing, agriculture, or commercial fishing. The amount of the credit is equal to 3 percent of the taxpayer's cost or other basis for federal income tax purposes of qualifying tangible personal property acquired, constructed, or erected during the taxable year. Any credit amount exceeding a taxpayer's liability may be carried forward for up to three taxable years.	Massachusetts General Laws Annotated Chapter 63 Section 31A
Missouri	Agricultural Products Utilization Contributor Tax Credit	Missouri Department of Agriculture	A taxpayer may claim a credit against income tax liability for up to 100 percent of the amount of funds contributed to the Missouri Agricultural and Small Business Development Authority for the provision of financial or technical assistance to projects that add value to agricultural products and benefit the economy of a rural community. A taxpayer may carry earned credits back to each of the three previous taxable years and forward to the next succeeding five taxable years. A taxpayer may also assign, transfer, or sell any earned credit amount.	Missouri Statutes Annotated Section 348.430
New Mexico	Agricultural Biomass Corporate Income Tax Credit	New Mexico Taxation and Revenue Department	A taxpayer that owns a dairy or feedlot may qualify for a credit against income tax liability in an amount equal to \$5 per wet ton of agricultural biomass transported from the taxpayer's dairy or feedlot to a facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use. Any earned credit amount exceeding a taxpayer's liability may be carried forward for up to four taxable years. The maximum credit amount that may be awarded to all taxpayers may not exceed an annual amount of \$5 million.	New Mexico Statutes Annotated Section 7-2-18.26
Oklahoma	Agricultural Commodity Processing Facility Income Tax Exemption	Oklahoma Tax Commission	Owners of a new or expanding agricultural commodity processing facility may exclude from Oklahoma taxable income, or Oklahoma adjusted gross income, up to 15 percent of the amount invested in the facility. A maximum of \$1 million may be excluded from income tax by all qualified investors on an annual basis. The exclusion may be claimed on a taxpayer's return at the end of the taxable year, and for up to six additional taxable years following the year in which the investment was made. For purposes of qualifying for the exemption, investments must be made in an agricultural commodity processing facility operated primarily for the processing or production of marketable products from agricultural commodities.	Oklahoma Statutes Annotated Title 68 Section 2358

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Oklahoma	Income Tax Credit for Investment in Oklahoma Producer-Owned Agriculture Processing	Oklahoma Tax Commission	Oklahoma agricultural producers may qualify for a credit against income tax liability for a portion of the direct investment made in an Oklahoma producer-owned agricultural processing venture, cooperative, or marketing association. The amount of the credit is to up to 30 percent of the direct investment. Any credit amount exceeding a taxpayer's liability may be carried forward for up to five taxable years. The maximum credit amount that may be awarded to all investors may not exceed an annual amount of \$2 million.	Oklahoma Statutes Annotated Title 68 Section 2357.25
Wisconsin	Manufacturing and Agriculture Credit	Wisconsin Department of Revenue	A business engaged in manufacturing and agricultural activities may qualify for a credit equal to a specified percentage of the businesses' eligible qualified production activities derived from agricultural or manufacturing property. The amount of the credit is determined by multiplying the eligible qualified production activities income by 5.025 percent for taxable years after December 31, 2014, and before January 1, 2016, and by 7.5 percent for taxable years beginning after December 31, 2015.	Wisconsin Statutes Annotated Sections 71.28 and 71.07