



**APPLICATION FOR CERTIFICATION AS A
QUALIFIED BUSINESS FOR THE SEED CAPITAL
INVESTMENT TAX CREDIT**
NORTH DAKOTA DEPARTMENT OF COMMERCE
SFN 58662 (6-2016)

ND Department of Commerce
Economic Development &
Finance Division Use Only
 Approved
 Denied
 Original
 Recertified

Taxpayer Information

Company Name			
Primary Contact			Telephone Number
Physical Location of ND Facility	City	State	ZIP Code
Mailing Address	City	State	ZIP Code
Website	Email Address		

Business Information

1. Is the business a certified "primary-sector" business? (refer to qualifications) <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICE USE ONLY
2a. Type of business: <input type="checkbox"/> Corporation <input type="checkbox"/> Real Estate Investment Trust <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other _____	2b. <input type="checkbox"/> Non-profit <input type="checkbox"/> For-profit 2c. Is this your: <input type="checkbox"/> Principal Office <input type="checkbox"/> Satellite Operation
3. Is the business in compliance with the requirements for filings with the securities commissioner under the securities laws of this state? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4a. Number of employees at this location: <input type="checkbox"/> Actual _____ Date: _____ <input type="checkbox"/> Projected _____ Date: _____ 4b. How many are ND residents? _____	
5a. Is the majority of this business's activity (except sales activity) performed in North Dakota? <input type="checkbox"/> Yes <input type="checkbox"/> No 5b. What are the actual sales of this business's North Dakota operation from the past year or if a new business, what are the projected sales? <input type="checkbox"/> Actual \$ _____ <input type="checkbox"/> Projected \$ _____ Projection Date: _____	
6. Describe how this business relies on innovation, research, or the development of new products and processes in its plans for growth and profitability.	

The undersigned certifies that the information provided in this document is true and accurate.

Applicant (Please print)	Title
Signature	Date

Consistent with North Dakota law, information contained in the shaded areas will be kept confidential within the North Dakota Department of Commerce.

Qualifications

In order to be certified as a qualified business, the business must meet the following requirements:

- The business must be certified as a “primary sector” business:
 - A primary sector business means a qualified business that through the employment of knowledge or labor adds value to a product, process, or service and which results in the creation of “new wealth”, but does not include an “agricultural commodity processing facility”:
 - “New wealth” means revenues to North Dakota businesses which are generated by sales of products or services to customers outside of the state. “New wealth” also includes revenues to qualified businesses, the customers of which previously were unable to acquire or had limited availability of, the product or service from a North Dakota provider.
 - “Agricultural commodity processing facility” means a facility that through processing involving the employment of knowledge and labor adds value to an agricultural commodity capable of being raised in this state; or a livestock feeding, handling, milking, or holding operation that uses as part of its operation a byproduct produced at a biofuels production facility.
- The business must not be a real estate investment trust;
- The business must be incorporated or its satellite operation is incorporated as a for-profit corporation or is a partnership, limited partnership, limited liability company, limited liability partnership, or joint venture;
- The business must be in compliance with the requirements for filings with the securities commissioner under the securities laws of North Dakota. This often involves a notice filing. In all cases this will involve communication between the Department of Commerce and the Securities Department prior to consideration for certification. If you have any questions regarding compliance, please contact the ND Securities Department at 701-328-2910;
- The business must have North Dakota residents as a majority of its employees in the North Dakota principal office or the North Dakota satellite operation;
- The business must have its principal office in North Dakota and have the majority of its business activity performed in this state, except sales activity, or have a significant operation in North Dakota that has or is projected to have more than ten employees or \$150,000 of sales annually;
- The business must rely on innovation, research, or the development of new products and processes in its plans for growth and profitability.
- Certification expiration date may not be more than four years from the certification effective date. Only one recertification is available to a qualified business. Recertification applications must be filed within ninety days before the original certification expiration date.
- A taxpayer who owns a controlling interest in the qualified business or who receives more than fifty percent of the taxpayer's gross annual income from the qualified business is not entitled to a credit under this section. A member of the immediate family of a taxpayer disqualified by this subsection is not entitled to the credit under this section. For purposes of this subsection, “immediate family” means the taxpayer's spouse, parent, sibling, or child or the spouse of any such person.

Instructions for qualified business

Use this form only for certification by the North Dakota Department of Commerce Division of Economic Development and Finance as a qualified business for the Seed Capital Investment Tax Credit under N.D.C.C. § 57-38.5.

Submit a completed application to:

North Dakota Department of Commerce
Economic Development & Finance Division
PO Box 2057
Bismarck, ND 58502-2057

If you have any questions...

Call:

701-328-5300

Write to:

North Dakota Department of Commerce
Economic Development & Finance Division
PO Box 2057
Bismarck, ND 58502-2057

For more information on the North Dakota Seed Capital Investment Tax Credit, please visit:

<http://www.legis.nd.gov/cencode/t57c38-5.pdf> and
www.nd.gov/tax/genpubs/business-incentives.pdf.