

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 51136. Incentives to Licensed Industries.

Notwithstanding any other provision of Commonwealth law, licensed free trade zone businesses shall be:

(a) exempted from the payment of Business Gross Revenue Tax, imposed by the Commonwealth pursuant to 4 CMC § 1305 on business, industrial or commercial activity carried on within free trade zones in an amount and for a period of up to 20 years, to be determined by the Authority. This exemption shall not apply to construction activity or to retail/wholesale sales conducted within the zone, subject to 4 CMC § 1305 (a);

(b) exempted from the payment of the Excise Tax on the importation of capital equipment, machinery, which includes machinery specifically designed, and used exclusively for, hauling and loading cargo and spare parts, into, within, and out of the free trade zones, in an amount and for a period not to exceed 20 years, to be determined by the Authority;

(c) exempted from the payment of Excise Tax on raw materials and other goods brought into the free trade zones which are to be incorporated in the products produced or assembled within the free trade zones, unless they are brought into the CNMI customs territory, in an amount and for a period of years, not to exceed 20, to be determined by the Authority. This exemption shall not apply to consumable supplies, food, or other expendable items utilized in the daily operations of the business;

(d) entitled to a rebate on CNMI sourced income under the Northern Mariana Territorial Income Tax Code in an amount and for a period of years, not to exceed 20, to be determined by the Authority;

(e) exempted from the Developers Tax on the construction of commercial building, structures, or infrastructure located within the free trade zones in an amount and for a period not to exceed 20 years, to be determined by the Authority; and

(f) exempted from any export taxes or user fees that may be enacted in an amount and for a period of years, not to exceed 20, to be determined by the Authority;

(g) the Authority shall determine the amount of tax exemption and/or rebate under subsections (a) through (f) above in an amount from 1% to 100%, and for a period of years from 1 to 20 years. The Authority shall determine tax incentives at a level that is commensurate with the economic benefit to be received by the Commonwealth;

(h) the Secretary of Finance shall establish a special rebate trust account into which all taxes collected from businesses in Free Trade Zones shall be deposited;

(i) exempted from the provisions of Public Law 11-6 (Moratorium on Nonresident Alien Worker Hiring), codified in 3 CMC § 4601-4607, however that the applicant will be subject to the prevailing United States federal minimum wage law;

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(j) the Secretary of Finance shall consult with the Authority to establish the necessary tax forms for the orderly implementation of this Act.

Source: PL 12-20, § 21, modified.