

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1170

Page 2, line 5, replace "Subsection" with "If House Bill No. 1051 does not become effective or becomes effective and does not contain an amendment to section 57-38-30.3, subsection"

Page 5, after line 4, insert:

**"SECTION 3. AMENDMENT.** If House Bill No. 1051 becomes effective and contains an amendment to section 57-38-30.3, subsection 1 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

- a. Single, other than head of household or surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$27,050</del> <u>\$31,850</u>	<del>2.10%</del> <u>1.90%</u>
Over <del>\$27,050</del> <u>\$31,850</u> but not over <del>\$65,550</del> <u>\$77,100</u>	<del>\$568.05</del> <u>\$605.15</u> plus <del>3.92%</del> <u>3.72%</u> of amount over <del>\$27,050</del> <u>\$31,850</u>
Over <del>\$65,550</del> <u>\$77,100</u> but not over <del>\$136,750</del> <u>\$160,850</u>	<del>\$2,077.25</del> <u>\$2,288.45</u> plus <del>4.34%</del> <u>4.14%</u> of amount over <del>\$65,550</del> <u>\$77,100</u>
Over <del>\$136,750</del> <u>\$160,850</u> but not over <del>\$297,350</del> <u>\$349,700</u>	<del>\$5,167.33</del> <u>\$5,755.70</u> plus <del>5.04%</del> <u>4.84%</u> of amount over <del>\$136,750</del> <u>\$160,850</u>
Over <del>\$297,350</del> <u>\$349,700</u>	<del>\$13,261.57</del> <u>\$14,896.04</u> plus <del>5.54%</del> <u>5.34%</u> of amount over <del>\$297,350</del> <u>\$349,700</u>

- b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$45,200</del> <u>\$63,700</u>	<del>2.10%</del> <u>1.90%</u>
Over <del>\$45,200</del> <u>\$63,700</u> but not over <del>\$109,250</del> <u>\$154,200</u>	<del>\$949.20</del> <u>\$1,210.30</u> plus <del>3.92%</del> <u>3.72%</u> of amount over <del>\$45,200</del> <u>\$63,700</u>
Over <del>\$109,250</del> <u>\$154,200</u> but not over <del>\$166,500</del> <u>\$321,700</u>	<del>\$3,459.96</del> <u>\$4,576.90</u> plus <del>4.34%</del> <u>4.14%</u> of amount over <del>\$109,250</del> <u>\$154,200</u>
Over <del>\$166,500</del> <u>\$321,700</u> but not over <del>\$297,350</del> <u>\$699,400</u>	<del>\$5,944.64</del> <u>\$11,511.40</u> plus <del>5.04%</del> <u>4.84%</u> of amount over <del>\$166,500</del> <u>\$321,700</u>
Over <del>\$297,350</del> <u>\$699,400</u>	<del>\$12,539.45</del> <u>\$29,792.08</u> plus <del>5.54%</del> <u>5.34%</u> of amount over <del>\$297,350</del> <u>\$699,400</u>

c. Married filing separately.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$22,600</del> <u>\$31,850</u>	<del>2.10%</del> <u>1.90%</u>
Over <del>\$22,600</del> <u>\$31,850</u> but not over <del>\$54,625</del> <u>\$77,100</u>	<del>\$474.60</del> <u>\$605.15</u> plus <del>3.92%</del> <u>3.72%</u> of amount over <del>\$22,600</del> <u>\$31,850</u>
Over <del>\$54,625</del> <u>\$77,100</u> but not over <del>\$83,250</del> <u>\$160,850</u>	<del>\$1,729.98</del> <u>\$2,288.45</u> plus <del>4.34%</del> <u>4.14%</u> of amount over <del>\$54,625</del> <u>\$77,100</u>
Over <del>\$83,250</del> <u>\$160,850</u> but not over <del>\$148,675</del> <u>\$349,700</u>	<del>\$2,972.31</del> <u>\$5,755.70</u> plus <del>5.04%</del> <u>4.84%</u> of amount over <del>\$83,250</del> <u>\$160,850</u>
Over <del>\$148,675</del> <u>\$349,700</u>	<del>\$6,269.73</del> <u>\$14,896.04</u> plus <del>5.54%</del> <u>5.34%</u> of amount over <del>\$148,675</del> <u>\$349,700</u>

d. Head of household.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$36,250</del> <u>\$42,650</u>	<del>2.10%</del> <u>1.90%</u>
Over <del>\$36,250</del> <u>\$42,650</u> but not over <del>\$93,650</del> <u>\$110,100</u>	<del>\$761.25</del> <u>\$810.35</u> plus <del>3.92%</del> <u>3.72%</u> of amount over <del>\$36,250</del> <u>\$42,650</u>
Over <del>\$93,650</del> <u>\$110,100</u> but not over <del>\$151,650</del> <u>\$178,350</u>	<del>\$3,011.33</del> <u>\$3,319.49</u> plus <del>4.34%</del> <u>4.14%</u> of amount over <del>\$93,650</del> <u>\$110,100</u>
Over <del>\$151,650</del> <u>\$178,350</u> but not over <del>\$297,350</del> <u>\$349,700</u>	<del>\$5,528.53</del> <u>\$6,145.04</u> plus <del>5.04%</del> <u>4.84%</u> of amount over <del>\$151,650</del> <u>\$178,350</u>
Over <del>\$297,350</del> <u>\$349,700</u>	<del>\$12,871.84</del> <u>\$14,438.38</u> plus <del>5.54%</del> <u>5.34%</u> of amount over <del>\$297,350</del> <u>\$349,700</u>

e. Estates and trusts.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$1,800</del> <u>\$2,150</u>	<del>2.10%</del> <u>1.90%</u>
Over <del>\$1,800</del> <u>\$2,150</u> but not over <del>\$4,250</del> <u>\$5,000</u>	<del>\$37.80</del> <u>\$40.85</u> plus <del>3.92%</del> <u>3.72%</u> of amount over <del>\$1,800</del> <u>\$2,150</u>
Over <del>\$4,250</del> <u>\$5,000</u> but not over <del>\$6,500</del> <u>\$7,650</u>	<del>\$133.84</del> <u>\$146.87</u> plus <del>4.34%</del> <u>4.14%</u> of amount over <del>\$4,250</del> <u>\$5,000</u>
Over <del>\$6,500</del> <u>\$7,650</u> but not over <del>\$8,900</del> <u>\$10,450</u>	<del>\$231.49</del> <u>\$256.58</u> plus <del>5.04%</del> <u>4.84%</u> of amount over <del>\$6,500</del> <u>\$7,650</u>
Over <del>\$8,900</del> <u>\$10,450</u>	<del>\$352.45</del> <u>\$392.10</u> plus <del>5.54%</del> <u>5.34%</u> of amount over <del>\$8,900</del> <u>\$10,450</u>

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, ~~2004~~ 2007, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and

maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes."

Page 5, line 6, replace "2006" with "2007, only if the tax commissioner certifies to the governor, the office of management and budget, and the legislative council by May 31, 2008, that state general fund revenue receipts through April 2008 are at least three and one-half percent more than the amount forecasted for that date in the final budget status report prepared after adjournment of the sixtieth legislative assembly"

Renumber accordingly