

Sixty-first  
Legislative Assembly  
of North Dakota

# ENGROSSED HOUSE BILL NO. 1279

Introduced by

Representatives Drovdal, Headland, S. Meyer, Nathe

Senators Christmann, Miller

1 A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota  
2 Century Code, relating to a reduction in income tax rates for individuals, estates, and trusts;  
3 and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 57-38-30.3 of the North Dakota  
6 Century Code is amended and reenacted as follows:

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

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

21 If North Dakota taxable income is:	The tax is equal to:
22 Not over <del>\$27,050</del> <u>\$33,950</u>	<del>2.40%</del> <u>1.81%</u>
23 Over <del>\$27,050</del> <u>\$33,950</u> but not	<del>\$568.05</del> <u>\$614.50</u> plus <del>3.92%</del> <u>3.38%</u>
24 over <del>\$65,550</del> <u>\$82,250</u>	of amount over <del>\$27,050</del> <u>\$33,950</u>

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1	Over <del>\$65,550</del> <u>\$82,250</u> but not	<del>\$2,077.25</del> <u>\$2,247.04</u> plus <del>4.34%</del> <u>3.75%</u>
2	over <del>\$136,750</del> <u>\$171,550</u>	of amount over <del>\$65,550</del> <u>\$82,250</u>
3	Over <del>\$136,750</del> <u>\$171,550</u> but not	<del>\$5,167.33</del> <u>\$5,595.79</u> plus <del>5.04%</del> <u>4.35%</u>
4	over <del>\$297,350</del> <u>\$372,950</u>	of amount over <del>\$136,750</del> <u>\$171,550</u>
5	Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$13,261.57</del> <u>\$14,356.69</u> plus <del>5.54%</del> <u>4.78%</u>
6		of amount over <del>\$297,350</del> <u>\$372,950</u>

b. Married filing jointly and surviving spouse.

8	If North Dakota taxable income is:	The tax is equal to:
9	Not over <del>\$45,200</del> <u>\$56,750</u>	<del>2.10%</del> <u>1.81%</u>
10	Over <del>\$45,200</del> <u>\$56,750</u> but not	<del>\$949.20</del> <u>\$1,027.18</u> plus <del>3.92%</del> <u>3.38%</u>
11	over <del>\$109,250</del> <u>\$137,050</u>	of amount over <del>\$45,200</del> <u>\$56,750</u>
12	Over <del>\$109,250</del> <u>\$137,050</u> but not	<del>\$3,459.96</del> <u>\$3,741.32</u> plus <del>4.34%</del> <u>3.75%</u>
13	over <del>\$166,500</del> <u>\$208,850</u>	of amount over <del>\$109,250</del> <u>\$137,050</u>
14	Over <del>\$166,500</del> <u>\$208,850</u> but not	<del>\$5,944.61</del> <u>\$6,433.82</u> plus <del>5.04%</del> <u>4.35%</u>
15	over <del>\$297,350</del> <u>\$372,950</u>	of amount over <del>\$166,500</del> <u>\$208,850</u>
16	Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$12,539.45</del> <u>\$13,572.17</u> plus <del>5.54%</del> <u>4.78%</u>
17		of amount over <del>\$297,350</del> <u>\$372,950</u>

c. Married filing separately.

19	If North Dakota taxable income is:	The tax is equal to:
20	Not over <del>\$22,600</del> <u>\$28,375</u>	<del>2.10%</del> <u>1.81%</u>
21	Over <del>\$22,600</del> <u>\$28,375</u> but not	<del>\$474.60</del> <u>\$513.59</u> plus <del>3.92%</del> <u>3.38%</u>
22	over <del>\$54,625</del> <u>\$68,525</u>	of amount over <del>\$22,600</del> <u>\$28,375</u>
23	Over <del>\$54,625</del> <u>\$68,525</u> but not	<del>\$1,729.98</del> <u>\$1,870.66</u> plus <del>4.34%</del> <u>3.75%</u>
24	over <del>\$83,250</del> <u>\$104,425</u>	of amount over <del>\$54,625</del> <u>\$68,525</u>
25	Over <del>\$83,250</del> <u>\$104,425</u> but not	<del>\$2,972.31</del> <u>\$3,216.91</u> plus <del>5.04%</del> <u>4.35%</u>
26	over <del>\$148,675</del> <u>\$186,475</u>	of amount over <del>\$83,250</del> <u>\$104,425</u>
27	Over <del>\$148,675</del> <u>\$186,475</u>	<del>\$6,269.73</del> <u>\$6,786.08</u> plus <del>5.54%</del> <u>4.78%</u>
28		of amount over <del>\$148,675</del> <u>\$186,475</u>

d. Head of household.

30	If North Dakota taxable income is:	The tax is equal to:
31	Not over <del>\$36,250</del> <u>\$45,500</u>	<del>2.10%</del> <u>1.81%</u>

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1	Over <del>\$36,250</del> <u>\$45,500</u> but not	<del>\$761.25</del> <u>\$823.55</u> plus <del>3.92%</del> <u>3.38%</u>
2	over <del>\$93,650</del> <u>\$117,450</u>	of amount over <del>\$36,250</del> <u>\$45,500</u>
3	Over <del>\$93,650</del> <u>\$117,450</u> but not	<del>\$3,011.33</del> <u>\$3,255.46</u> plus <del>4.34%</del> <u>3.75%</u>
4	over <del>\$151,650</del> <u>\$190,200</u>	of amount over <del>\$93,650</del> <u>\$117,450</u>
5	Over <del>\$151,650</del> <u>\$190,200</u> but not	<del>\$5,528.53</del> <u>\$5,983.59</u> plus <del>5.04%</del> <u>4.35%</u>
6	over <del>\$297,350</del> <u>\$372,950</u>	of amount over <del>\$151,650</del> <u>\$190,200</u>
7	Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$12,871.81</del> <u>\$13,933.21</u> plus <del>5.54%</del> <u>4.78%</u>
8		of amount over <del>\$297,350</del> <u>\$372,950</u>

9 e. Estates and trusts.

10	If North Dakota taxable income is:	The tax is equal to:
11	Not over <del>\$1,800</del> <u>\$2,300</u>	<del>2.10%</del> <u>1.81%</u>
12	Over <del>\$1,800</del> <u>\$2,300</u> but not	<del>\$37.80</del> <u>\$41.63</u> plus <del>3.92%</del> <u>3.38%</u>
13	over <del>\$4,250</del> <u>\$5,350</u>	of amount over <del>\$1,800</del> <u>\$2,300</u>
14	Over <del>\$4,250</del> <u>\$5,350</u> but not	<del>\$133.84</del> <u>\$144.72</u> plus <del>4.34%</del> <u>3.75%</u>
15	over <del>\$6,500</del> <u>\$8,200</u>	of amount over <del>\$4,250</del> <u>\$5,350</u>
16	Over <del>\$6,500</del> <u>\$8,200</u> but not	<del>\$231.49</del> <u>\$251.60</u> plus <del>5.04%</del> <u>4.35%</u>
17	over <del>\$8,900</del> <u>\$11,150</u>	of amount over <del>\$6,500</del> <u>\$8,200</u>
18	Over <del>\$8,900</del> <u>\$11,150</u>	<del>\$352.45</del> <u>\$379.92</u> plus <del>5.54%</del> <u>4.78%</u>
19		of amount over <del>\$8,900</del> <u>\$11,150</u>

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

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

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

1           g. For taxable years beginning after December 31, ~~2004~~ 2009, the tax  
2           commissioner shall prescribe new rate schedules that apply in lieu of the  
3           schedules set forth in subdivisions a through e. The new schedules must be  
4           determined by increasing the minimum and maximum dollar amounts for each  
5           income bracket for which a tax is imposed by the cost-of-living adjustment for  
6           the taxable year as determined by the secretary of the United States treasury  
7           for purposes of section 1(f) of the United States Internal Revenue Code of  
8           1954, as amended. For this purpose, the rate applicable to each income  
9           bracket may not be changed, and the manner of applying the cost-of-living  
10          adjustment must be the same as that used for adjusting the income brackets  
11          for federal income tax purposes.

12          **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
13          December 31, 2008.