

February 3, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1203

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institution tax credit for charitable gifts;"

Page 1, after line 3, insert:

**"SECTION 1.** A new subsection to section 57-35.3-05 of the North Dakota Century Code is created and enacted as follows:

There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12, the credit for charitable gifts to a qualified endowment as provided in section 57-38-01.21. The amount allowable as a credit under this subsection for any taxable year may not exceed five and seven-tenths percent of the tax before credits allowed under this section, or ten thousand dollars, whichever is less."

Page 1, line 8, remove "Board-designated endowment" means a permanent endowment established"

Page 1, remove lines 9 through 12

Page 1, line 13, remove "b."

Page 1, line 18, remove the overstrike over "b." and remove "c."

Page 3, line 1, remove the overstrike over "e.", remove "d.", and remove "or"

Page 3, line 2, remove "board-designated endowment"

Page 3, line 7, remove the overstrike over "d." and remove "e."

Page 3, line 11, after "2." insert "a."

Page 3, line 12, overstrike "in an amount equal to forty percent of the present value of the"

Page 3, line 13, overstrike "aggregate amount of", remove "a", overstrike "charitable gift", and overstrike "made by the"

Page 3, overstrike line 14

Page 3, line 15, overstrike "endowment." and replace "Only charitable gifts of one thousand dollars or more during the" with "for a charitable gift as follows:

- (1) For a charitable gift in the form of a planned gift made to a qualified nonprofit organization or to a qualified endowment, the credit is equal to forty percent of the aggregate amount of the charitable gift portion of all planned gifts made during the taxable year.

- (2) For a charitable gift other than a planned gift made to a qualified endowment, the credit is equal to forty percent of the aggregate amount of all charitable gifts made during the taxable year, provided the aggregate amount of all charitable gifts made during the taxable year to a single qualified endowment is two thousand five hundred dollars or more.

b."

Page 3, line 16, remove "taxable year qualify for the tax credit under this subsection."

Page 3, remove line 22

Page 3, line 23, remove "57-35.3-03"

Page 4, line 7, overstrike "treated like a"

Page 4, line 8, overstrike "partnership"

Page 4, line 9, overstrike "by the entity during the taxable year"

Page 4, line 10, overstrike "to the entity" and overstrike "and planned"

Page 4, line 11, overstrike "gifts"

Page 4, line 13, overstrike "attributable to the charitable"

Page 4, line 14, overstrike "gifts and planned gifts under this section"

Page 4, line 21, overstrike the first "in" and insert immediately thereafter "for purposes of"

Page 4, line 22, overstrike "the taxable" and insert immediately thereafter "any tax", overstrike "credit" and insert immediately thereafter "contribution", and overstrike "first claimed" and insert immediately thereafter "deducted for federal tax purposes"

Page 5, line 5, remove "or board-designated endowment"

Page 5, line 6, after "for" insert "contributions made in"

Renumber accordingly