

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1289

Introduced by

Representatives Kasper, Headland, Kempenich

Senator Fischer

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 reduction of income tax rates for individuals, estates, and trusts; and~~  
3 ~~to provide an effective date for an Act to amend and reenact section 57-38-30 and subsection 1~~  
4 ~~of section 57-38-30.3 of the North Dakota Century Code, relating to a reduction in income tax~~  
5 ~~rates for corporations, individuals, estates, and trusts; and to provide an effective date.~~

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~—SECTION 1. AMENDMENT. Subsection 1 of section 57-38-30.3 of the North Dakota~~  
8 ~~Century Code is amended and reenacted as follows:~~

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

21 ~~—a. Single, other than head of household or surviving spouse.~~

22 ~~—If North Dakota taxable income is: The tax is equal to:~~

23 ~~—Not over \$33,950\$34,500 1.841.56%~~

24 ~~—Over \$33,950\$34,500 \$624.68\$38.20 plus 3.442.92%~~

1	<del>but not over \$82,250</del> <del>\$83,600</del>	<del>of amount over \$33,950</del> <del>\$34,500</del>
2	<del>Over \$82,250</del> <del>\$83,600</del>	<del>\$2,286.20</del> <del>1,971.92</del> plus <del>3.8</del> <del>13.24</del> %
3	<del>but not over \$171,550</del> <del>\$174,400</del>	<del>of amount over \$82,250</del> <del>\$83,600</del>
4	<del>Over \$171,550</del> <del>\$174,400</del>	<del>\$5,688.53</del> <del>4,913.84</del> plus <del>4.4</del> <del>23.76</del> %
5	<del>but not over \$372,950</del> <del>\$379,150</del>	<del>of amount over</del>
6		<del>\$171,550</del> <del>\$174,400</del>
7	<del>Over \$372,950</del> <del>\$379,150</del>	<del>\$14,590.41</del> <del>12,612.44</del> plus
8		<del>4.86</del> <del>4.13</del> % of amount over
9		<del>\$372,950</del> <del>\$379,150</del>
10	<del>b. Married filing jointly and surviving spouse.</del>	
11	<del>If North Dakota taxable income is:</del>	<del>The tax is equal to:</del>
12	<del>Not over \$56,750</del> <del>\$57,700</del>	<del>1.84</del> <del>1.56</del> %
13	<del>Over \$56,750</del> <del>\$57,700</del>	<del>\$1,044.20</del> <del>900.12</del> plus <del>3.4</del> <del>42.92</del> %
14	<del>but not over \$137,050</del> <del>\$139,350</del>	<del>of amount over \$56,750</del> <del>\$57,700</del>
15	<del>Over \$137,050</del> <del>\$139,350</del>	<del>\$3,806.52</del> <del>3,284.30</del> plus <del>3.8</del> <del>13.24</del> %
16	<del>but not over \$208,850</del> <del>\$212,300</del>	<del>of amount over</del>
17		<del>\$137,050</del> <del>\$139,350</del>
18	<del>Over \$208,850</del> <del>\$212,300</del>	<del>\$6,542.10</del> <del>5,647.88</del> plus <del>4.4</del> <del>23.76</del> %
19	<del>but not over \$372,950</del> <del>\$379,150</del>	<del>of amount over</del>
20		<del>\$208,850</del> <del>\$212,300</del>
21	<del>Over \$372,950</del> <del>\$379,150</del>	<del>\$13,795.32</del> <del>11,921.44</del> plus
22		<del>4.86</del> <del>4.13</del> % of amount over
23		<del>\$372,950</del> <del>\$379,150</del>
24	<del>c. Married filing separately.</del>	
25	<del>If North Dakota taxable income is:</del>	<del>The tax is equal to:</del>
26	<del>Not over \$28,375</del> <del>\$28,850</del>	<del>1.84</del> <del>1.56</del> %
27	<del>Over \$28,375</del> <del>\$28,850</del>	<del>\$522.10</del> <del>450.06</del> plus <del>3.4</del> <del>42.92</del> %
28	<del>but not over \$68,525</del> <del>\$69,675</del>	<del>of amount over \$28,375</del> <del>\$28,850</del>
29	<del>Over \$68,525</del> <del>\$69,675</del>	<del>\$1,903.26</del> <del>1,642.15</del> plus <del>3.8</del> <del>13.24</del> %
30	<del>but not over \$104,425</del> <del>\$106,150</del>	<del>of amount over \$68,525</del> <del>\$69,675</del>
31	<del>Over \$104,425</del> <del>\$106,150</del>	<del>\$3,271.05</del> <del>2,823.94</del> plus <del>4.4</del> <del>23.76</del> %

1	<del>but not over \$186,475</del> <u>\$189,575</u>	<del>of amount over \$104,425</del>
2	<del>Over \$186,475</del> <u>\$189,575</u>	<del>\$6,897.66</del> <u>5,960.72</u> plus <del>4.86</del> <u>4.13</u> %
3		<del>of amount over</del>
4		<del>\$186,475</del> <u>\$189,575</u>
5	d. Head of household.	
6	If North Dakota taxable income is:	The tax is equal to:
7	Not over <del>\$45,500</del> <u>\$46,250</u>	1.84 <u>1.56</u> %
8	Over <del>\$45,500</del> <u>\$46,250</u>	<del>\$837.20</del> <u>721.50</u> plus <del>3.44</del> <u>2.92</u> %
9	<del>but not over \$117,450</del> <u>\$119,400</u>	<del>of amount over \$45,500</del> <u>\$46,250</u>
10	<del>Over \$117,450</del> <u>\$119,400</u>	<del>\$3,312.28</del> <u>2,857.48</u> plus <del>3.81</del> <u>3.24</u> %
11	<del>but not over \$190,200</del> <u>\$193,350</u>	<del>of amount over</del>
12		<del>\$117,450</del> <u>\$119,400</u>
13	<del>Over \$190,200</del> <u>\$193,350</u>	<del>\$6,084.06</del> <u>5,253.46</u> plus <del>4.42</del> <u>3.76</u> %
14	<del>but not over \$372,950</del> <u>\$379,150</u>	<del>of amount over</del>
15		<del>\$190,200</del> <u>\$193,350</u>
16	<del>Over \$372,950</del> <u>\$379,150</u>	<del>\$14,161.61</del> <u>12,239.54</u> plus
17		<del>4.86</del> <u>4.13</u> % of amount over
18		<del>\$372,950</del> <u>\$379,150</u>
19	e. Estates and trusts.	
20	If North Dakota taxable income is:	The tax is equal to:
21	Not over \$2,300	1.84 <u>1.56</u> %
22	Over \$2,300	<del>\$42.32</del> <u>35.88</u> plus <del>3.44</del> <u>2.92</u> %
23	<del>but not over \$5,350</del> <u>\$5,450</u>	<del>of amount over \$2,300</del>
24	<del>Over \$5,350</del> <u>\$5,450</u>	<del>\$147.24</del> <u>127.86</u> plus <del>3.81</del> <u>3.24</u> %
25	<del>but not over \$8,200</del> <u>\$8,300</u>	<del>of amount over \$5,350</del> <u>\$5,450</u>
26	<del>Over \$8,200</del> <u>\$8,300</u>	<del>\$255.83</del> <u>220.20</u> plus <del>4.42</del> <u>3.76</u> %
27	<del>but not over \$11,150</del> <u>\$11,350</u>	<del>of amount over \$8,200</del> <u>\$8,300</u>
28	<del>Over \$11,150</del> <u>\$11,350</u>	<del>\$386.22</del> <u>334.88</u> plus <del>4.86</del> <u>4.13</u> %
29		<del>of amount over \$11,150</del> <u>\$11,350</u>

1 ~~f. For an individual who is not a resident of this state for the entire year, or for a~~  
2 ~~nonresident estate or trust, the tax is equal to the tax otherwise computed under~~  
3 ~~this subsection multiplied by a fraction in which:~~  
4 ~~(1) The numerator is the federal adjusted gross income allocable and~~  
5 ~~apportionable to this state; and~~  
6 ~~(2) The denominator is the federal adjusted gross income from all sources~~  
7 ~~reduced by the net income from the amounts specified in subdivisions a and~~  
8 ~~b of subsection 2.~~  
9 ~~In the case of married individuals filing a joint return, if one spouse is a resident~~  
10 ~~of this state for the entire year and the other spouse is a nonresident for part or~~  
11 ~~all of the tax year, the tax on the joint return must be computed under this~~  
12 ~~subdivision.~~  
13 ~~g. For taxable years beginning after December 31, 2009, the tax commissioner shall~~  
14 ~~prescribe new rate schedules that apply in lieu of the schedules set forth in~~  
15 ~~subdivisions a through e. The new schedules must be determined by increasing~~  
16 ~~the minimum and maximum dollar amounts for each income bracket for which a~~  
17 ~~tax is imposed by the cost-of-living adjustment for the taxable year as determined~~  
18 ~~by the secretary of the United States treasury for purposes of section 1(f) of the~~  
19 ~~United States Internal Revenue Code of 1954, as amended. For this purpose, the~~  
20 ~~rate applicable to each income bracket may not be changed, and the manner of~~  
21 ~~applying the cost-of-living adjustment must be the same as that used for~~  
22 ~~adjusting the income brackets for federal income tax purposes.~~  
23 ~~h. The tax commissioner shall prescribe an optional simplified method of computing~~  
24 ~~tax under this section that may be used by an individual taxpayer who is not~~  
25 ~~entitled to claim an adjustment under subsection 2 or credit against income tax~~  
26 ~~liability under subsection 7.~~

27 ~~**SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after~~  
28 ~~December 31, 2010.~~

29 **SECTION 1. AMENDMENT.** Section 57-38-30 of the North Dakota Century Code is  
30 amended and reenacted as follows:

**57-38-30. Imposition and rate of tax on corporations.**

A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first twenty-five thousand dollars of taxable income, at the rate of ~~two~~one and ~~one-tenth~~eighty-nine hundredths percent.
  - b. On all taxable income exceeding twenty-five thousand dollars and not exceeding fifty thousand dollars, at the rate of ~~five~~four and ~~twenty-five~~seventy-three hundredths percent.
  - c. On all taxable income exceeding fifty thousand dollars, at the rate of ~~six~~five and ~~four-tenths~~seventy-six hundredths percent.
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

**SECTION 2. AMENDMENT.** 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:
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Not over <del>\$33,950</del> <u>\$34,500</u>	<del>1.84%</del> <u>1.47%</u>
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1	Over <del>\$33,950</del> <u>\$34,500</u>	<del>\$624.68</del> <u>\$507.15</u> plus <del>3.44%</del> <u>2.75%</u>
2	but not over <del>\$82,250</del> <u>\$83,600</u>	of amount over <del>\$33,950</del> <u>\$34,500</u>
3	Over <del>\$82,250</del> <u>\$83,600</u>	<del>\$2,286.20</del> <u>\$1,857.40</u> plus
4	<del>3.81%</del> <u>3.05%</u>	
5	but not over <del>\$171,550</del> <u>\$174,400</u>	of amount over <del>\$82,250</del> <u>\$83,600</u>
6	Over <del>\$171,550</del> <u>\$174,400</u>	<del>\$5,688.53</del> <u>\$4,626.80</u> plus
7	<del>4.42%</del> <u>3.54%</u>	
8	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
9	<del>\$171,550</del> <u>\$174,400</u>	
10	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$14,590.41</del> <u>\$11,874.95</u> plus
11	<del>4.86%</del> <u>3.89%</u>	
12		of amount over
13	<del>\$372,950</del> <u>\$379,150</u>	
14	b. Married filing jointly and surviving spouse.	
15	If North Dakota taxable income is:	The tax is equal to:
16	Not over <del>\$56,750</del> <u>\$57,700</u>	<del>1.84%</del> <u>1.47%</u>
17	Over <del>\$56,750</del> <u>\$57,700</u>	<del>\$1,044.20</del> <u>\$848.19</u> plus <del>3.44%</del> <u>2.75%</u>
18	but not over <del>\$137,050</del> <u>\$139,350</u>	of amount over <del>\$56,750</del> <u>\$57,700</u>
19	Over <del>\$137,050</del> <u>\$139,350</u>	<del>\$3,806.52</del> <u>\$3,093.57</u> plus
20	<del>3.81%</del> <u>3.05%</u>	
21	but not over <del>\$208,850</del> <u>\$212,300</u>	of amount over
22	<del>\$137,050</del> <u>\$139,350</u>	
23	Over <del>\$208,850</del> <u>\$212,300</u>	<del>\$6,542.10</del> <u>\$5,318.54</u> plus
24	<del>4.42%</del> <u>3.54%</u>	
25	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
26	<del>\$208,850</del> <u>\$212,300</u>	
27	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$13,795.32</del> <u>\$11,225.03</u> plus
28	<del>4.86%</del> <u>3.89%</u>	
29		of amount over
30	<del>\$372,950</del> <u>\$379,150</u>	
31	c. Married filing separately.	

1	If North Dakota taxable income is:	The tax is equal to:
2	Not over <del>\$28,375</del> <u>\$28,850</u>	<del>1.84%</del> <u>1.47%</u>
3	Over <del>\$28,375</del> <u>\$28,850</u>	<del>\$522.10</del> <u>\$424.10</u> plus <del>3.44%</del> <u>2.75%</u>
4	but not over <del>\$68,525</del> <u>\$69,675</u>	of amount over <del>\$28,375</del> <u>\$28,850</u>
5	Over <del>\$68,525</del> <u>\$69,675</u>	<del>\$1,903.26</del> <u>\$1,546.78</u> plus
6	<del>3.81%</del> <u>3.05%</u>	
7	but not over <del>\$104,425</del> <u>\$106,150</u>	of amount over <del>\$68,525</del> <u>\$69,675</u>
8	Over <del>\$104,425</del> <u>\$106,150</u>	<del>\$3,271.05</del> <u>\$2,659.27</u> plus
9	<del>4.42%</del> <u>3.54%</u>	
10	but not over <del>\$186,475</del> <u>\$189,575</u>	of amount over
11	<del>\$104,425</del> <u>\$106,150</u>	
12	Over <del>\$186,475</del> <u>\$189,575</u>	<del>\$6,897.66</del> <u>\$5,612.52</u> plus
13	<del>4.86%</del> <u>3.89%</u>	
14		of amount over
15	<del>\$186,475</del> <u>\$189,575</u>	
16	d. Head of household.	
17	If North Dakota taxable income is:	The tax is equal to:
18	Not over <del>\$45,500</del> <u>\$46,250</u>	<del>1.84%</del> <u>1.47%</u>
19	Over <del>\$45,500</del> <u>\$46,250</u>	<del>\$837.20</del> <u>\$679.88</u> plus <del>3.44%</del> <u>2.75%</u>
20	but not over <del>\$117,450</del> <u>\$119,400</u>	of amount over <del>\$45,500</del> <u>\$46,250</u>
21	Over <del>\$117,450</del> <u>\$119,400</u>	<del>\$3,312.28</del> <u>\$2,691.50</u> plus
22	<del>3.81%</del> <u>3.05%</u>	
23	but not over <del>\$190,200</del> <u>\$193,350</u>	of amount over
24	<del>\$117,450</del> <u>\$119,400</u>	
25	Over <del>\$190,200</del> <u>\$193,350</u>	<del>\$6,084.06</del> <u>\$4,946.98</u> plus
26	<del>4.42%</del> <u>3.54%</u>	
27	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
28	<del>\$190,200</del> <u>\$193,350</u>	
29	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$14,161.61</del> <u>\$11,524.30</u> plus
30	<del>4.86%</del> <u>3.89%</u>	

1		of amount over
2	<del>\$372,950</del> <u>\$379,150</u>	
3	e. Estates and trusts.	
4	If North Dakota taxable income is:	The tax is equal to:
5	Not over \$2,300	<del>1.84%</del> <u>1.47%</u>
6	Over \$2,300	<del>\$42.32</del> <u>\$33.81</u> plus <del>3.44%</del> <u>2.75%</u>
7	but not over <del>\$5,350</del> <u>\$5,450</u>	of amount over \$2,300
8	Over <del>\$5,350</del> <u>\$5,450</u>	<del>\$147.24</del> <u>\$120.44</u> plus <del>3.81%</del> <u>3.05%</u>
9	but not over <del>\$8,200</del> <u>\$8,300</u>	of amount over <del>\$5,350</del> <u>\$5,450</u>
10	Over <del>\$8,200</del> <u>\$8,300</u>	<del>\$255.83</del> <u>\$207.36</u> plus <del>4.42%</del> <u>3.54%</u>
11	but not over <del>\$11,150</del> <u>\$11,350</u>	of amount over <del>\$8,200</del> <u>\$8,300</u>
12	Over <del>\$11,150</del> <u>\$11,350</u>	<del>\$386.22</del> <u>\$315.33</u> plus <del>4.86%</del> <u>3.89%</u>
13		of amount over <del>\$11,150</del> <u>\$11,350</u>
14	f. For an individual who is not a resident of this state for the entire year, or for a	
15	nonresident estate or trust, the tax is equal to the tax otherwise computed under	
16	this subsection multiplied by a fraction in which:	
17	(1) The numerator is the federal adjusted gross income allocable and	
18	apportionable to this state; and	
19	(2) The denominator is the federal adjusted gross income from all sources	
20	reduced by the net income from the amounts specified in subdivisions a and	
21	b of subsection 2.	
22	In the case of married individuals filing a joint return, if one spouse is a resident	
23	of this state for the entire year and the other spouse is a nonresident for part or	
24	all of the tax year, the tax on the joint return must be computed under this	
25	subdivision.	
26	g. <del>For taxable years beginning after December 31, 2009, the</del> <u>The</u> tax commissioner	
27	shall prescribe new rate schedules that apply in lieu of the schedules set forth in	
28	subdivisions a through e. The new schedules must be determined by increasing	
29	the minimum and maximum dollar amounts for each income bracket for which a	
30	tax is imposed by the cost-of-living adjustment for the taxable year as determined	
31	by the secretary of the United States treasury for purposes of section 1(f) of the	



1 United States Internal Revenue Code of ~~1954~~1986, as amended. For this  
2 purpose, the rate applicable to each income bracket may not be changed, and  
3 the manner of applying the cost-of-living adjustment must be the same as that  
4 used for adjusting the income brackets for federal income tax purposes.

- 5 h. The tax commissioner shall prescribe an optional simplified method of computing  
6 tax under this section that may be used by an individual taxpayer who is not  
7 entitled to claim an adjustment under subsection 2 or credit against income tax  
8 liability under subsection 7.

9 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
10 December 31, 2010.