

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1289**

Introduced by

Representatives Kasper, Headland, Kempenich

Senator Fischer

1 A BILL for an Act to amend and reenact section 57-38-30 and subsection 1 of section
2 57-38-30.3 of the North Dakota Century Code, relating to reduction of income tax rates for
3 corporations and individuals, estates, and trusts; to provide an effective date; and to provide an
4 expiration date.

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

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

8 **57-38-30. Imposition and rate of tax on corporations.**

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

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

22 **SECTION 2. AMENDMENT.** Subsection 1 of section 57-38-30.3 of the North Dakota
23 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 \$33,950 <u>\$34,500</u>	4.84 <u>1.56</u> %
Over \$33,950 <u>\$34,500</u>	\$624.68 <u>538.20</u> plus 3.44 <u>2.92</u> %
but not over \$82,250 <u>\$83,600</u>	of amount over \$33,950 <u>\$34,500</u>
Over \$82,250 <u>\$83,600</u>	\$2,286.20 <u>1,971.92</u> plus 3.81 <u>3.24</u> %
but not over \$171,550 <u>\$174,400</u>	of amount over \$82,250 <u>\$83,600</u>
Over \$171,550 <u>\$174,400</u>	\$5,688.53 <u>4,913.84</u> plus 4.42 <u>3.76</u> %
but not over \$372,950 <u>\$379,150</u>	of amount over
	\$171,550 <u>\$174,400</u>
Over \$372,950 <u>\$379,150</u>	\$14,590.41 <u>12,612.44</u> plus
	4.86 <u>4.13</u> % of amount over
	\$372,950 <u>\$379,150</u>

b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$56,750 <u>\$57,700</u>	4.84 <u>1.56</u> %
Over \$56,750 <u>\$57,700</u>	\$1,044.20 <u>900.12</u> plus 3.44 <u>2.92</u> %
but not over \$137,050 <u>\$139,350</u>	of amount over \$56,750 <u>\$57,700</u>
Over \$137,050 <u>\$139,350</u>	\$3,806.52 <u>3,284.30</u> plus 3.81 <u>3.24</u> %

1	but not over \$208,850 <u>\$212,300</u>	of amount over
2		\$137,050 <u>\$139,350</u>
3	Over \$208,850 <u>\$212,300</u>	\$6,542.10 <u>\$5,647.88</u> plus 4.423.76 <u>4.423.76</u> %
4	but not over \$372,950 <u>\$379,150</u>	of amount over
5		\$208,850 <u>\$212,300</u>
6	Over \$372,950 <u>\$379,150</u>	\$13,795.32 <u>\$11,921.44</u> plus
7		4.864.13 <u>4.864.13</u> % of amount over
8		\$372,950 <u>\$379,150</u>
9	c. Married filing separately.	
10	If North Dakota taxable income is:	The tax is equal to:
11	Not over \$28,375 <u>\$28,850</u>	1.841.56 <u>1.841.56</u> %
12	Over \$28,375 <u>\$28,850</u>	\$522.10 <u>\$450.06</u> plus 3.442.92 <u>3.442.92</u> %
13	but not over \$68,525 <u>\$69,675</u>	of amount over \$28,375 <u>\$28,850</u>
14	Over \$68,525 <u>\$69,675</u>	\$1,903.26 <u>\$1,642.15</u> plus 3.813.24 <u>3.813.24</u> %
15	but not over \$104,425 <u>\$106,150</u>	of amount over \$68,525 <u>\$69,675</u>
16	Over \$104,425 <u>\$106,150</u>	\$3,271.05 <u>\$2,823.94</u> plus 4.423.76 <u>4.423.76</u> %
17	but not over \$186,475 <u>\$189,575</u>	of amount over \$104,425 <u>\$106,150</u>
18	Over \$186,475 <u>\$189,575</u>	\$6,897.66 <u>\$5,960.72</u> plus 4.864.13 <u>4.864.13</u> %
19		of amount over
20		\$186,475 <u>\$189,575</u>
21	d. Head of household.	
22	If North Dakota taxable income is:	The tax is equal to:
23	Not over \$45,500 <u>\$46,250</u>	1.841.56 <u>1.841.56</u> %
24	Over \$45,500 <u>\$46,250</u>	\$837.20 <u>\$721.50</u> plus 3.442.92 <u>3.442.92</u> %
25	but not over \$117,450 <u>\$119,400</u>	of amount over \$45,500 <u>\$46,250</u>
26	Over \$117,450 <u>\$119,400</u>	\$3,312.28 <u>\$2,857.48</u> plus 3.813.24 <u>3.813.24</u> %
27	but not over \$190,200 <u>\$193,350</u>	of amount over
28		\$117,450 <u>\$119,400</u>
29	Over \$190,200 <u>\$193,350</u>	\$6,084.06 <u>\$5,253.46</u> plus 4.423.76 <u>4.423.76</u> %
30	but not over \$372,950 <u>\$379,150</u>	of amount over
31		\$190,200 <u>\$193,350</u>

1 Over ~~\$372,950~~\$379,150 \$14,161.64~~12,239.54~~ plus
2 4.86~~4.13~~% of amount over
3 ~~\$372,950~~\$379,150
4 e. Estates and trusts.
5 If North Dakota taxable income is: The tax is equal to:
6 Not over \$2,300 4.84~~1.56~~%
7 Over \$2,300 \$42.32~~35.88~~ plus 3.44~~2.92~~%
8 but not over ~~\$5,350~~\$5,450 of amount over \$2,300
9 Over ~~\$5,350~~\$5,450 \$147.24~~127.86~~ plus 3.81~~3.24~~%
10 but not over ~~\$8,200~~\$8,300 of amount over ~~\$5,350~~\$5,450
11 Over ~~\$8,200~~\$8,300 \$255.83~~220.20~~ plus 4.42~~3.76~~%
12 but not over ~~\$11,150~~\$11,350 of amount over ~~\$8,200~~\$8,300
13 Over ~~\$11,150~~\$11,350 \$386.22~~334.88~~ plus 4.86~~4.13~~%
14 of amount over ~~\$11,150~~\$11,350

- 15 f. For an individual who is not a resident of this state for the entire year, or for a
16 nonresident estate or trust, the tax is equal to the tax otherwise computed under
17 this subsection multiplied by a fraction in which:
18 (1) The numerator is the federal adjusted gross income allocable and
19 apportionable to this state; and
20 (2) The denominator is the federal adjusted gross income from all sources
21 reduced by the net income from the amounts specified in subdivisions a and
22 b of subsection 2.

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

- 27 g. For taxable years beginning after December 31, 2009, the tax commissioner shall
28 prescribe new rate schedules that apply in lieu of the schedules set forth in
29 subdivisions a through e. The new schedules must be determined by increasing
30 the minimum and maximum dollar amounts for each income bracket for which a
31 tax is imposed by the cost-of-living adjustment for the taxable year as determined

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

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

10 **SECTION 3. EFFECTIVE DATE.** This Act is effective for the first two taxable years
11 beginning after December 31, 2010, and is thereafter ineffective.