

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2093

Introduced by

Senators Larson, Rummel

1 A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 and subdivision u of
2 subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax
3 rates for individuals, estates, and trusts and an income tax deduction for retired law
4 enforcement personnel benefits; ~~and to provide for retroactive application; and to provide an~~
5 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.

1	a.	Single, other than head of household or surviving spouse.			
2		If North Dakota taxable income is:			
3		Over	Not over	The tax is equal to	Of amount over
4		\$0	\$44,725	\$0.00 + 0.00%	\$0
5		\$44,725	\$225,975	\$0.00 + 1.95%	\$44,725
6		\$225,975		\$3,534.38 + 2.50%	\$225,975
7		\$0	\$51,300	\$0.00 + 0.00%	\$0
8		\$51,300	\$244,825	\$0.00 + 1.95%	\$51,300
9		\$244,825		\$3,773.74 + 2.50%	\$244,825
10	b.	Married filing jointly and surviving spouse.			
11		If North Dakota taxable income is:			
12		Over	Not over	The tax is equal to	Of amount over
13		\$0	\$74,750	\$0.00 + 0.00%	\$0
14		\$74,750	\$275,100	\$0.00 + 1.95%	\$74,750
15		\$275,100		\$3,906.83 + 2.50%	\$275,100
16		\$0	\$85,700	\$0.00 + 0.00%	\$0
17		\$85,700	\$298,075	\$0.00 + 1.95%	\$85,700
18		\$298,075		\$4,141.31 + 2.50%	\$298,075
19	c.	Married filing separately.			
20		If North Dakota taxable income is:			
21		Over	Not over	The tax is equal to	Of amount over
22		\$0	\$37,375	\$0.00 + 0.00%	\$0
23		\$37,375	\$137,550	\$0.00 + 1.95%	\$37,375
24		\$137,550		\$1,953.41 + 2.50%	\$137,550
25		\$0	\$42,850	\$0.00 + 0.00%	\$0
26		\$42,850	\$149,025	\$0.00 + 1.95%	\$42,850
27		\$149,025		\$2,070.41 + 2.50%	\$149,025
28	d.	Head of household.			
29		If North Dakota taxable income is:			
30		Over	Not over	The tax is equal to	Of amount over
31		\$0	\$59,950	\$0.00 + 0.00%	\$0

1	\$59,950	\$250,550	\$0.00 + 1.95%	\$59,950
2	\$250,550		\$3,716.70 + 2.50%	\$250,550
3	\$0	\$68,700	\$0.00 + 0.00%	\$0
4	\$68,700	\$271,450	\$0.00 + 1.95%	\$68,700
5	\$271,450		\$3,953.63 + 2.50%	\$271,450

e. Estates and trusts.

If North Dakota taxable income is:

8	Over	Not over	The tax is equal to	Of amount over
9	\$0	\$3,000	\$0.00 + 0.00%	\$0
10	\$3,000	\$10,750	\$0.00 + 1.95%	\$3,000
11	\$10,750		\$151.13 + 2.50%	\$10,750
12	\$0	\$3,250	\$0.00 + 0.00%	\$0
13	\$3,250	\$11,650	\$0.00 + 1.95%	\$3,250
14	\$11,650		\$163.80 + 2.50%	\$11,650

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. 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

1 purposes of section 1(f) of the United States Internal Revenue Code of 1954, as
2 amended. For this purpose, the rate applicable to each income bracket may not
3 be changed, and the manner of applying the cost-of-living adjustment must be
4 the same as that used for adjusting the income brackets for federal income tax
5 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 2. AMENDMENT.** Subdivision u of subsection 2 of section 57-38-30.3 of the
11 North Dakota Century Code is amended and reenacted as follows:

- 12 u. Reduced by the amount of retired law enforcement personnel benefits received
13 by a taxpayer who has served a combined total of at least twenty years as a
14 peace officer or has medically retired from the taxpayer's duties as a peace
15 officer with a medical certificate due to a permanent mental or physical disability
16 that rendered the taxpayer unable to discharge the taxpayer's duties as a peace
17 officer, qualified retired peace officer, including retired law enforcement personnel
18 benefits paid to the surviving spouse of a deceased qualified retired peace officer,
19 but only to the extent the amount was included in federal taxable income. For
20 purposes of this subdivision:

- 21 (1) "Peace officer" means a public servant authorized by law or by a
22 government agency or branch of the United States, a state, or a political
23 subdivision of a state to enforce the law and to conduct or engage in
24 investigations of violations of the law.

- 25 (2) "Qualified retired peace officer" means a peace officer who has:

- 26 (a) Served a combined total of at least twenty years as a peace officer; or
27 (b) Medically retired from the peace officer's duties with a medical
28 certificate due to a permanent mental or physical disability that
29 rendered the peace officer unable to discharge the peace officer's
30 duties.

1 (2)(3) "Retired law enforcement personnel benefits" means retirement income
2 received by a ~~taxpayer~~qualified retired peace officer or surviving spouse of a
3 deceased qualified retired peace officer who is eligible to receive retirement
4 income attributable to the ~~taxpayer's~~qualified retired peace officer's
5 employment as a peace officer from a retirement plan maintained by or
6 through the employer from which the ~~taxpayer~~qualified retired peace officer
7 retired as a peace officer.

8 **SECTION 3. RETROACTIVE APPLICATION.** ~~This~~Section 2 of this Act applies retroactively
9 to taxable years beginning after December 31, 2023.

10 **SECTION 4. EFFECTIVE DATE.** Section 1 of this Act is effective for taxable years
11 beginning after December 31, 2024.