

Introduced by

Senators Mathern, Oehlke, Robinson

Representatives Guggisberg, Hogan

1 A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to  
2 subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax  
3 credit for employment of individuals with disabilities; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 57-38 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Tax credit for employment of individuals with disabilities.**

8 1. As used in this section, "individual with disabilities" means:

9 a. An individual who is receiving social security disability insurance or supplemental  
10 security income; or

11 b. An individual:

12 (1) Who has severe physical or mental impairments that seriously limit the  
13 individual's functional capacity, including mobility, communication, self-care,  
14 self-direction, interpersonal skills, work tolerance, or work skills in terms of  
15 an employment outcome; and

16 (2) Who has one or more physical or mental disabilities resulting from  
17 amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic  
18 fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia,  
19 respiratory or pulmonary dysfunction, intellectual disability, mental illness,  
20 multiple sclerosis, muscular dystrophy, musculoskeletal disorders,  
21 neurological disorders (including stroke and epilepsy), paraplegia,  
22 quadriplegia and other spinal cord conditions, sickle cell anemia, specific  
23 learning disability, end-stage renal disease, or another disability or  
24 combination of disabilities determined on the basis of an assessment for

1                   determining eligibility and vocational rehabilitation needs to cause  
2                   comparable substantial functional limitations.

3       2. A taxpayer who is an employer in this state is entitled to a tax credit as determined  
4       under this section against state income tax liability under section 57-38-30 or  
5       57-38-30.3 for the employment of an individual with disabilities. The amount of the  
6       credit to which a taxpayer is entitled is fifty percent of up to five thousand dollars of  
7       wages paid in the first year, thirty percent of up to five thousand dollars of wages paid  
8       in the second year, and ten percent of up to five thousand dollars of wages paid in the  
9       third year of employment to the newly hired individual with disabilities. The tax credit  
10       under this section is available if the employment of the individual creates a net  
11       increase in the number of individuals with disabilities employed by the taxpayer from  
12       the number of individuals with disabilities employed by the taxpayer at the end of the  
13       preceding taxable year.

14       3. The taxpayer may claim the credit in the first tax year beginning after the individual  
15       hired has completed the employee's first twelve consecutive months of employment by  
16       the taxpayer and applies in subsequent tax years in which further net increases occur  
17       above the level of such employment established when the credit was last taken.

18       4. A partnership, subchapter S corporation, limited partnership, or limited liability  
19       company, or any other entity treated as a passthrough entity for federal income tax  
20       purposes must be considered to be the taxpayer for purposes of this section. The  
21       amount of the credit determined at the entity level must be passed through to the  
22       partners, shareholders, or members in proportion to their respective interests in the  
23       passthrough entity.

24       **SECTION 2.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota  
25 Century Code is created and enacted as follows:

26                   Tax credit for employment of individuals with disabilities under section 1 of this  
27                   Act.

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