

HOUSE BILL NO.

Introduced by

Representative Porter

1 A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota
2 Century Code, relating to a long-term care partnership plan individual income tax credit; to
3 amend and reenact subsection 7 of section 57-38-30.3 of the North Dakota Century Code,
4 relating to a long-term care partnership plan individual income tax credit; and to provide an
5 effective date.

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

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

9 **Credit for premiums for long-term care partnership plan insurance coverage.** A
10 credit against an individual's tax liability under this chapter is provided to each taxpayer in the
11 amount of the premiums paid by the taxpayer for qualified long-term care partnership plan
12 insurance coverage for the taxpayer or the taxpayer's spouse. The credit under this section for
13 each insured individual may not exceed \$250 in any taxable year. An individual who claims the
14 credit under this section may not also claim the credit under section 57-38-29.2 for the same
15 policy. For purposes of this section, "qualified long-term care partnership plan" is one that:

- 16 1. Is a qualified long-term care insurance policy, as defined in section 7702B(b) of the
17 Internal Revenue Code of 1986, with an issue date on or after the date specified in
18 an approved medicaid state plan amendment that provides for the disregard of
19 assets;
- 20 2. Meets the requirements of the long-term care insurance model regulations and the
21 long-term care insurance model act promulgated by the national association of
22 insurance commissioners as adopted as of October 2000, or the insurance
23 commissioner certifies that the policy meets those requirements; and
- 24 3. Is purchased by an individual who:

- 1 a. Has not attained age sixty-one as of the date of purchase, if the policy
2 provides compound annual inflation protection;
3 b. Has attained age sixty-one but has not attained age seventy-six as of the date
4 of purchase, if the policy provides some level of inflation protection; or
5 c. Has attained age seventy-six as of the date of purchase.

6 **SECTION 2. AMENDMENT.** Subsection 7 of section 57-38-30.3 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 7. A taxpayer filing a return under this section is entitled to the following tax credits:
9 a. Family care tax credit under section 57-38-01.20.
10 b. Renaissance zone tax credits under sections 40-63-04, 40-63-06, and
11 40-63-07.
12 c. Agricultural business investment tax credit under section 57-38.6-03.
13 d. Seed capital investment tax credit under section 57-38.5-03.
14 e. Planned gift tax credit under section 57-38-01.21.
15 f. Biodiesel fuel tax credits under sections 57-38-01.22 and 57-38-01.23.
16 g. Internship employment tax credit under section 57-38-01.24.
17 h. Workforce recruitment credit under section 57-38-01.25.
18 i. Angel fund investment tax credit under section 57-38-01.26.
19 j. Microbusiness tax credit under section 57-38-01.27.
20 k. Marriage penalty credit under section 57-38-01.28.
21 l. Homestead income tax credit under section 57-38-01.29.
22 m. Commercial property income tax credit under section 57-38-01.30.
23 n. Research and experimental expenditures under section 57-38-30.5.
24 o. Long-term care partnership plan premiums income tax credit under section 1
25 of this Act.

26 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
27 December 31, 2008.