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Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Finance and Taxation Committee

(At the request of the Office of State Tax Commissioner)

1 A BILL for an Act to amend and reenact section 57-38-32 of the North Dakota Century Code,
2 relating to the corporate income tax return filing requirement.

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

4 **SECTION 1. AMENDMENT.** Section 57-38-32 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **57-38-32. Duty of corporations to make returns.** Each corporation that receives
7 income from the sources designated in section ~~57-38-30~~ 57-38-14, whether or not required to
8 file an income tax return pursuant to the provisions of the United States Internal Revenue Code
9 of 1954, as amended, shall, unless exempted by the provisions of section 57-38-09, make a
10 return in such form as the tax commissioner may prescribe, stating specifically such facts as the
11 tax commissioner may require for the purpose of making any computation required by this
12 chapter. Any corporation which is required to file a state income tax return but not required to
13 compute a federal taxable income figure for federal income tax purposes is required to compute
14 such a federal taxable income figure using a pro forma return pursuant to the provisions of the
15 Internal Revenue Code of 1954, as amended, in order to determine a starting point for the
16 computation of state income tax. Any foreign loan and investment company engaged in
17 business in this state, and whose income in this state consists solely of income exempt from
18 taxation under this chapter, need not file an annual report unless specially requested to do so
19 by the tax commissioner, but may file in lieu thereof an affidavit claiming exemption under this
20 chapter. The return must be signed by the president, vice president, treasurer, assistant
21 treasurer, chief accounting officer, or any other officer duly authorized so to act and it and any
22 other declaration, statement, or document required to be made must contain or be verified by a
23 written declaration that it is made under the penalties of perjury. The tax commissioner may
24 prescribe alternative methods for signing, subscribing, or verifying a return filed by electronic

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- 1 means, including telecommunications, that shall have the same validity and consequence as
- 2 the actual signature and written declaration for a paper return.