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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 subdivision c of subsection 1 of section 57-38-35.2 of
2 the North Dakota Century Code, relating to calculation of interest on refunds relating to the
3 carryback of a tax credit; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subdivision c of subsection 1 of section 57-38-35.2 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 c. Interest on refunds arising from net operating loss carrybacks ~~or~~, capital loss
8 carrybacks, or tax credit carrybacks accrues for payment from the due date of
9 the return for the year, determined without regard to extensions of the time for
10 filing, giving rise to the loss carryback, to the date of payment of the refund,
11 except that no interest accrues if the refund payment is made within forty-five
12 days of the date the amended return or claim is filed to claim the refund
13 attributable to the ~~net operating loss or capital loss~~ carryback.

14 **SECTION 2. EFFECTIVE DATE.** This Act is effective for amended returns filed after
15 June 30, 2009.