

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1448
(Representatives Drovdal, Belter, Froelich)
(Senators Cook, Nodland, Triplett)

AN ACT to create and enact subsection 9 of section 57-38-01.29 of the North Dakota Century Code, relating to the homestead income tax credit for agricultural or commercial property; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Subsection 9 of section 57-38-01.29 of the North Dakota Century Code is created and enacted as follows:

9.
 - a. For the first taxable year beginning after December 31, 2008, a person, trust, or estate is entitled to a credit against the tax imposed under section 57-38-29 or 57-39-30.3 in the amount of ten percent of the property tax paid by the taxpayer on agricultural or commercial property in this state for property tax years 2006 or 2007, or both. Agricultural or commercial property that was the basis for a credit received under subsection 1, 2, or 3 of this section by a person, estate, or trust in a previous income tax year may not be used to calculate the credit under this subsection. For purposes of this subsection, "property tax" does not include special assessments.
 - b. The amount of the credit under this subsection may not exceed one thousand dollars for the 2006 or 2007 property tax that was paid for the agricultural or commercial property, with a maximum credit allowed under this subsection of two thousand dollars. The amount of the credit under this subsection may not exceed the taxpayer's tax liability and any unused credit may be carried forward for up to four tax years.
 - c. A person, trust, or estate may not request a certificate for the credit allowed under this subsection.
 - d. An estate, partnership, subchapter S corporation, limited liability company, or any other passthrough entity that owned and paid property tax on agricultural or commercial property described in this subsection must be considered the taxpayer for purposes of any credit limitation and the amount of the credit must be determined at the passthrough entity level. The amount of the credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.

SECTION 2. EFFECTIVE DATE - EXPIRATION DATE. This Act is effective for the 2009 tax year and is thereafter ineffective.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1448.

House Vote: Yeas 88 Nays 0 Absent 6

Senate Vote: Yeas 41 Nays 0 Absent 6

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State