

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1513

Introduced by

Representatives Metcalf, Aarsvold, Mueller

1 A BILL for an Act to amend and reenact sections 57-15-31, 57-38-29, and 57-38-30,  
2 subsection 1 of section 57-38-30.3, and section 57-38-55 of the North Dakota Century Code,  
3 relating to individual and corporate income tax increases to provide school district property tax  
4 relief; to provide a continuing appropriation; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **57-15-31. Determination of levy.** The amount to be levied by any county, city,  
9 township, school district, park district, or other municipality authorized to levy taxes shall be  
10 computed by deducting from the amount of estimated expenditures for the current fiscal year as  
11 finally determined, plus the required reserve fund determined upon by the governing board from  
12 the past experience of the taxing district, the total of the following items:

- 13 1. The available surplus consisting of the free and unencumbered cash balance.
- 14 2. Estimated revenues from sources other than direct property taxes.
- 15 3. The total estimated collections from tax levies for previous years.
- 16 4. Such expenditures as are to be made from bond sources.
- 17 5. The amount of distributions received from an economic growth increment pool  
18 under section 57-15-61.
- 19 6. The estimated amount to be received from payments in lieu of taxes on a project  
20 under section 40-57.1-03.
- 21 7. For school districts, the amount of estimated revenue to be received by the school  
22 district under section 57-38-55. However, the deduction under this subsection  
23 applies proportionately to only the school district's estimated expenditures for the

1           general fund, transportation for high school students, and tuition for high school  
2           students.

3 Allowance may be made for a permanent delinquency or loss in tax collection not to exceed  
4 five percent of the amount of the levy.

5           **SECTION 2. AMENDMENT.** Section 57-38-29 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **57-38-29. Optional method of computing tax.** Notwithstanding the other provisions  
8 of this chapter, an individual, estate, or trust may elect to determine state income tax liability by  
9 applying the provisions of this section. A tax is hereby imposed upon every individual, to be  
10 levied, collected, and paid annually with respect to the taxable income of such individual as  
11 defined in this chapter, computed at the following rates:

12           1. On taxable income not in excess of three thousand dollars, a tax of ~~two~~ three and  
13           ~~sixty-seven~~ thirty-four hundredths percent.

14           2. On taxable income in excess of three thousand dollars and not in excess of five  
15           thousand dollars, a tax of ~~four~~ five percent.

16           3. On taxable income in excess of five thousand dollars and not in excess of eight  
17           thousand dollars, a tax of ~~five~~ six and ~~thirty-three~~ sixty-six hundredths percent.

18           4. On taxable income in excess of eight thousand dollars and not in excess of fifteen  
19           thousand dollars, a tax of ~~six~~ eight and ~~sixty-seven~~ thirty-four hundredths percent.

20           5. On taxable income in excess of fifteen thousand dollars and not in excess of  
21           twenty-five thousand dollars, a tax of ~~eight~~ ten percent.

22           6. On taxable income in excess of twenty-five thousand dollars and not in excess of  
23           thirty-five thousand dollars, a tax of ~~nine~~ eleven and ~~thirty-three~~ sixty-six  
24           hundredths percent.

25           7. On taxable income in excess of thirty-five thousand dollars and not in excess of  
26           fifty thousand dollars, a tax of ~~ten~~ thirteen and ~~sixty-seven~~ thirty-four hundredths  
27           percent.

28           8. On taxable income in excess of fifty thousand dollars, a tax of ~~twelve~~ fifteen  
29           percent.

30           **SECTION 3. AMENDMENT.** Section 57-38-30 of the North Dakota Century Code is  
31 amended and reenacted as follows:



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1 federal income tax purposes. For an estate or trust, the schedule in subdivision e  
2 must be used for purposes of this subsection. For a nonresident individual, estate,  
3 or trust, the tax is equal to the tax determined in accordance with the applicable  
4 schedule in subdivisions a through e multiplied by the fraction under subdivision f.

5 a. Single, other than head of household or surviving spouse.

6	If North Dakota taxable income is:	The tax is equal to:
7	Not over \$27,050	2.10%
8	Over \$27,050 but not over \$65,550	\$568.05 plus 3.92% of amount over \$27,050
9	Over \$65,550 but not over \$136,750	\$2,077.25 plus 4.34% of amount over \$65,550
10	Over \$136,750 but not over \$297,350	\$5,167.33 plus 5.04% of amount over \$136,750
11	Over \$297,350	\$13,261.57 plus 5.54% of amount over \$297,350

12 b. Married filing jointly and surviving spouse.

13	If North Dakota taxable income is:	The tax is equal to:
14	Not over \$45,200	2.10%
15	Over \$45,200 but not over \$109,250	\$949.20 plus 3.92% of amount over \$45,200
16	Over \$109,250 but not over \$166,500	\$3,459.96 plus 4.34% of amount over \$109,250
17	Over \$166,500 but not over \$297,350	\$5,944.61 plus 5.04% of amount over \$166,500
18	Over \$297,350	\$12,539.45 plus 5.54% of amount over \$297,350

19 c. Married filing separately.

20	If North Dakota taxable income is:	The tax is equal to:
21	Not over \$22,600	2.10%
22	Over \$22,600 but not over \$54,625	\$474.60 plus 3.92% of amount over \$22,600
23	Over \$54,625 but not over \$83,250	\$1,729.98 plus 4.34% of amount over \$54,625
24	Over \$83,250 but not over \$148,675	\$2,972.31 plus 5.04% of amount over \$83,250
25	Over \$148,675	\$6,269.73 plus 5.54% of amount over \$148,675

26 d. Head of household.

27	If North Dakota taxable income is:	The tax is equal to:
28	Not over \$36,250	2.10%
29	Over \$36,250 but not over \$93,650	\$761.25 plus 3.92% of amount over \$36,250
30	Over \$93,650 but not over \$151,650	\$3,011.33 plus 4.34% of amount over \$93,650

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1	Over \$151,650 but not over \$297,350	\$5,528.53 plus 5.04% of amount over \$151,650
2	Over \$297,350	\$12,871.81 plus 5.54% of amount over \$297,350
3	e. Estates and trusts.	
4	If North Dakota taxable income is:	The tax is equal to:
5	Not over \$1,800	2.10%
6	Over \$1,800 but not over \$4,250	\$37.80 plus 3.92% of amount over \$1,800
7	Over \$4,250 but not over \$6,500	\$133.84 plus 4.34% of amount over \$4,250
8	Over \$6,500 but not over \$8,900	\$231.49 plus 5.04% of amount over \$6,500
9	Over \$8,900	\$352.45 plus 5.54% of amount over \$8,900

- 10 f. For a nonresident individual, estate, or trust, the tax determined under the  
11 applicable schedule in subdivisions a through e must be multiplied by a  
12 fraction in which:
- 13 (1) The numerator is the individual's federal adjusted gross income derived  
14 from North Dakota sources; and
- 15 (2) The denominator is the individual's federal adjusted gross income from  
16 all sources reduced by the net income from the amounts specified in  
17 subdivisions a and b of subsection 3.
- 18 g. If married individuals who file a joint federal income tax return are required to  
19 file separate state income tax returns under any provision of this chapter, the  
20 tax under this subsection for each spouse must be determined by applying  
21 the rates under subdivision b to the spouses' joint North Dakota taxable  
22 income and prorating the result between the spouses based on their separate  
23 North Dakota taxable incomes.
- 24 h. For taxable years beginning after December 31, 2001, the tax commissioner  
25 shall prescribe new rate schedules that apply in lieu of the schedules set forth  
26 in subdivisions a through e. The new schedules must be determined by  
27 increasing the minimum and maximum dollar amounts for each income  
28 bracket for which a tax is imposed by the cost-of-living adjustment for the  
29 taxable year as determined by the secretary of the United States treasury for  
30 purposes of section 1(f) of the United States Internal Revenue Code of 1954,  
31 as amended. For this purpose, the rate applicable to each income bracket

1                    may not be changed, and the manner of applying the cost-of-living adjustment  
2                    must be the same as that used for adjusting the income brackets for federal  
3                    income tax purposes.

4                    i. The tax determined under this subsection for every individual, estate, and  
5                    trust must be increased by twenty-five percent.

6                    **SECTION 5. AMENDMENT.** Section 57-38-55 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8                    **57-38-55. Disposition of revenues - School district property tax relief fund -**  
9 **Continuing appropriation.** As soon as practicable, after receipt thereof, the tax commissioner  
10 shall turn over to the state treasurer all income taxes collected by the tax commissioner. The  
11 state treasurer shall issue a receipt for such collections, which must be made a permanent  
12 record in the office of the tax commissioner. Such moneys must be deposited by the state  
13 treasurer to the credit of the general fund for the purpose of defraying the general expenses of  
14 the state government, except twenty percent of net income tax collections under this chapter for  
15 taxable years beginning after December 31, 2004, which must be deposited in the school  
16 district property tax relief fund. Moneys in the school district property tax relief fund are  
17 provided as a continuing appropriation for distribution to school districts on the first day of each  
18 calendar quarter by the state treasurer as follows:

19                    1. Property taxes levied in dollars by a school district in the most recent taxable year  
20                    must be adjusted by being multiplied by a factor that is the quotient of the  
21                    statewide taxable valuation per student divided by the school district's taxable  
22                    valuation per student. The adjustment factor for a school district under this  
23                    subsection may not exceed one and four-tenths or be less than one.

24                    2. Each school district is entitled to a percentage of each distribution under this  
25                    section equal to the percentage that its adjusted property tax levy in dollars under  
26                    subsection 1 is of all school districts' adjusted property tax levy in dollars under  
27                    subsection 1.

28 By November first of each year, the tax commissioner shall certify to the auditor of each county  
29 the tax commissioner's estimate of revenue under this section that will be received by each  
30 school district in that county during the following calendar year.

1           **SECTION 6. EFFECTIVE DATE.** Sections 2, 3, and 4 of this Act are effective for  
2 taxable years beginning after December 31, 2004. Section 1 of this Act is effective for taxable  
3 years beginning after December 31, 2005. Section 5 of this Act becomes effective July 1,  
4 2005.