

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1289**

Introduced by

Representatives Kasper, Headland, Kempenich

Senator Fischer

1 A BILL for an Act to amend and reenact section 57-38-30 and subsection 1 of section  
2 57-38-30.3 of the North Dakota Century Code, relating to a reduction in income tax rates for  
3 corporations, individuals, estates, and trusts; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-38-30 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-38-30. Imposition and rate of tax on corporations.**

8 A tax is hereby imposed upon the taxable income of every domestic and foreign corporation  
9 which must be levied, collected, and paid annually as in this chapter provided:

- 10 1. a. For the first twenty-five thousand dollars of taxable income, at the rate of ~~two~~one  
11 and ~~one-tenth~~eighty-nine hundredths percent.
- 12 b. On all taxable income exceeding twenty-five thousand dollars and not exceeding  
13 fifty thousand dollars, at the rate of ~~five~~four and ~~twenty-five~~seventy-three  
14 hundredths percent.
- 15 c. On all taxable income exceeding fifty thousand dollars, at the rate of ~~six~~five and  
16 ~~four-tenths~~seventy-six hundredths percent.
- 17 2. A corporation that has paid North Dakota alternative minimum tax in years beginning  
18 before January 1, 1991, may carry over any alternative minimum tax credit remaining  
19 to the extent of the regular income tax liability of the corporation for a period not to  
20 exceed four taxable years.

21 **SECTION 2. AMENDMENT.** Subsection 1 of section 57-38-30.3 of the North Dakota  
22 Century Code is amended and reenacted as follows:

- 23 1. A tax is hereby imposed for each taxable year upon income earned or received in that  
24 taxable year by every resident and nonresident individual, estate, and trust. A taxpayer

1 computing the tax under this section is only eligible for those adjustments or credits  
2 that are specifically provided for in this section. Provided, that for purposes of this  
3 section, any person required to file a state income tax return under this chapter, but  
4 who has not computed a federal taxable income figure, shall compute a federal  
5 taxable income figure using a pro forma return in order to determine a federal taxable  
6 income figure to be used as a starting point in computing state income tax under this  
7 section. The tax for individuals is equal to North Dakota taxable income multiplied by  
8 the rates in the applicable rate schedule in subdivisions a through d corresponding to  
9 an individual's filing status used for federal income tax purposes. For an estate or  
10 trust, the schedule in subdivision e must be used for purposes of this subsection.

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

12	If North Dakota taxable income is:	The tax is equal to:
13	Not over <del>\$33,950</del> <u>\$34,500</u>	<del>1.84%</del> <u>1.47%</u>
14	Over <del>\$33,950</del> <u>\$34,500</u>	<del>\$624.68</del> <u>\$507.15</u> plus <del>3.44%</del> <u>2.75%</u>
15	but not over <del>\$82,250</del> <u>\$83,600</u>	of amount over <del>\$33,950</del> <u>\$34,500</u>
16	Over <del>\$82,250</del> <u>\$83,600</u>	<del>\$2,286.20</del> <u>\$1,857.40</u> plus
17	<del>3.81%</del> <u>3.05%</u>	
18	but not over <del>\$171,550</del> <u>\$174,400</u>	of amount over <del>\$82,250</del> <u>\$83,600</u>
19	Over <del>\$171,550</del> <u>\$174,400</u>	<del>\$5,688.53</del> <u>\$4,626.80</u> plus
20	<del>4.42%</del> <u>3.54%</u>	
21	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
22	<del>\$171,550</del> <u>\$174,400</u>	
23	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$14,590.41</del> <u>\$11,874.95</u> plus
24	<del>4.86%</del> <u>3.89%</u>	
25		of amount over
26	<del>\$372,950</del> <u>\$379,150</u>	

27 b. Married filing jointly and surviving spouse.

28	If North Dakota taxable income is:	The tax is equal to:
29	Not over <del>\$56,750</del> <u>\$57,700</u>	<del>1.84%</del> <u>1.47%</u>
30	Over <del>\$56,750</del> <u>\$57,700</u>	<del>\$1,044.20</del> <u>\$848.19</u> plus <del>3.44%</del> <u>2.75%</u>
31	but not over <del>\$137,050</del> <u>\$139,350</u>	of amount over <del>\$56,750</del> <u>\$57,700</u>

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1	Over <del>\$137,050</del> <u>\$139,350</u>	<del>\$3,806.52</del> <u>\$3,093.57</u> plus
2	<del>3.81%</del> <u>3.05%</u>	
3	but not over <del>\$208,850</del> <u>\$212,300</u>	of amount over
4	<del>\$137,050</del> <u>\$139,350</u>	
5	Over <del>\$208,850</del> <u>\$212,300</u>	<del>\$6,542.10</del> <u>\$5,318.54</u> plus
6	<del>4.42%</del> <u>3.54%</u>	
7	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
8	<del>\$208,850</del> <u>\$212,300</u>	
9	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$13,795.32</del> <u>\$11,225.03</u> plus
10	<del>4.86%</del> <u>3.89%</u>	
11		of amount over
12	<del>\$372,950</del> <u>\$379,150</u>	
13	c. Married filing separately.	
14	If North Dakota taxable income is:	The tax is equal to:
15	Not over <del>\$28,375</del> <u>\$28,850</u>	<del>1.84%</del> <u>1.47%</u>
16	Over <del>\$28,375</del> <u>\$28,850</u>	<del>\$522.10</del> <u>\$424.10</u> plus <del>3.44%</del> <u>2.75%</u>
17	but not over <del>\$68,525</del> <u>\$69,675</u>	of amount over <del>\$28,375</del> <u>\$28,850</u>
18	Over <del>\$68,525</del> <u>\$69,675</u>	<del>\$1,903.26</del> <u>\$1,546.78</u> plus
19	<del>3.81%</del> <u>3.05%</u>	
20	but not over <del>\$104,425</del> <u>\$106,150</u>	of amount over <del>\$68,525</del> <u>\$69,675</u>
21	Over <del>\$104,425</del> <u>\$106,150</u>	<del>\$3,271.05</del> <u>\$2,659.27</u> plus
22	<del>4.42%</del> <u>3.54%</u>	
23	but not over <del>\$186,475</del> <u>\$189,575</u>	of amount over
24	<del>\$104,425</del> <u>\$106,150</u>	
25	Over <del>\$186,475</del> <u>\$189,575</u>	<del>\$6,897.66</del> <u>\$5,612.52</u> plus
26	<del>4.86%</del> <u>3.89%</u>	
27		of amount over
28	<del>\$186,475</del> <u>\$189,575</u>	
29	d. Head of household.	
30	If North Dakota taxable income is:	The tax is equal to:
31	Not over <del>\$45,500</del> <u>\$46,250</u>	<del>1.84%</del> <u>1.47%</u>

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1	Over <del>\$45,500</del> <u>\$46,250</u>	<del>\$837.20</del> <u>\$679.88</u> plus <del>3.44%</del> <u>2.75%</u>
2	but not over <del>\$117,450</del> <u>\$119,400</u>	of amount over <del>\$45,500</del> <u>\$46,250</u>
3	Over <del>\$117,450</del> <u>\$119,400</u>	<del>\$3,312.28</del> <u>\$2,691.50</u> plus
4	<del>3.81%</del> <u>3.05%</u>	
5	but not over <del>\$190,200</del> <u>\$193,350</u>	of amount over
6	<del>\$117,450</del> <u>\$119,400</u>	
7	Over <del>\$190,200</del> <u>\$193,350</u>	<del>\$6,084.06</del> <u>\$4,946.98</u> plus
8	<del>4.42%</del> <u>3.54%</u>	
9	but not over <del>\$372,950</del> <u>\$379,150</u>	of amount over
10	<del>\$190,200</del> <u>\$193,350</u>	
11	Over <del>\$372,950</del> <u>\$379,150</u>	<del>\$14,161.61</del> <u>\$11,524.30</u> plus
12	<del>4.86%</del> <u>3.89%</u>	
13		of amount over
14	<del>\$372,950</del> <u>\$379,150</u>	
15	e. Estates and trusts.	
16	If North Dakota taxable income is:	The tax is equal to:
17	Not over \$2,300	<del>1.84%</del> <u>1.47%</u>
18	Over \$2,300	<del>\$42.32</del> <u>\$33.81</u> plus <del>3.44%</del> <u>2.75%</u>
19	but not over <del>\$5,350</del> <u>\$5,450</u>	of amount over \$2,300
20	Over <del>\$5,350</del> <u>\$5,450</u>	<del>\$147.24</del> <u>\$120.44</u> plus <del>3.81%</del> <u>3.05%</u>
21	but not over <del>\$8,200</del> <u>\$8,300</u>	of amount over <del>\$5,350</del> <u>\$5,450</u>
22	Over <del>\$8,200</del> <u>\$8,300</u>	<del>\$255.83</del> <u>\$207.36</u> plus <del>4.42%</del> <u>3.54%</u>
23	but not over <del>\$11,150</del> <u>\$11,350</u>	of amount over <del>\$8,200</del> <u>\$8,300</u>
24	Over <del>\$11,150</del> <u>\$11,350</u>	<del>\$386.22</del> <u>\$315.33</u> plus <del>4.86%</del> <u>3.89%</u>
25		of amount over <del>\$11,150</del> <u>\$11,350</u>
26	f. For an individual who is not a resident of this state for the entire year, or for a	
27	nonresident estate or trust, the tax is equal to the tax otherwise computed under	
28	this subsection multiplied by a fraction in which:	
29	(1) The numerator is the federal adjusted gross income allocable and	
30	apportionable to this state; and	

1                   (2) The denominator is the federal adjusted gross income from all sources  
2                   reduced by the net income from the amounts specified in subdivisions a and  
3                   b of subsection 2.

4                   In the case of married individuals filing a joint return, if one spouse is a resident  
5                   of this state for the entire year and the other spouse is a nonresident for part or  
6                   all of the tax year, the tax on the joint return must be computed under this  
7                   subdivision.

8                   g. ~~For taxable years beginning after December 31, 2009, the~~The tax commissioner  
9                   shall prescribe new rate schedules that apply in lieu of the schedules set forth in  
10                  subdivisions a through e. The new schedules must be determined by increasing  
11                  the minimum and maximum dollar amounts for each income bracket for which a  
12                  tax is imposed by the cost-of-living adjustment for the taxable year as determined  
13                  by the secretary of the United States treasury for purposes of section 1(f) of the  
14                  United States Internal Revenue Code of ~~1954~~1986, as amended. For this  
15                  purpose, the rate applicable to each income bracket may not be changed, and  
16                  the manner of applying the cost-of-living adjustment must be the same as that  
17                  used for adjusting the income brackets for federal income tax purposes.

18                  h. The tax commissioner shall prescribe an optional simplified method of computing  
19                  tax under this section that may be used by an individual taxpayer who is not  
20                  entitled to claim an adjustment under subsection 2 or credit against income tax  
21                  liability under subsection 7.

22                  **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
23                  December 31, 2010.