

HOUSE BILL NO. 1158

Introduced by

Representatives Headland, Bosch, Dockter, Grueneich, Hagert, Heinert

Senators Axtman, Conley, Kannianen, Meyer, K. Roers, Wanzek

1 A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota
2 Century Code, relating to the imposition of a flat income tax rate of one and one-half percent for
3 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.** Subsection 1 of section 57-38-30.3 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. A tax is hereby imposed for each taxable year upon income earned or received in that
8 taxable year by every resident and nonresident individual, estate, and trust. A taxpayer
9 computing the tax under this section is only eligible for those adjustments or credits
10 that are specifically provided for in this section. Provided, that for purposes of this
11 section, any person required to file a state income tax return under this chapter, but
12 who has not computed a federal taxable income figure, shall compute a federal
13 taxable income figure using a pro forma return in order to determine a federal taxable
14 income figure to be used as a starting point in computing state income tax under this
15 section. The tax for individuals is equal to North Dakota taxable income multiplied by
16 the ~~rates in the applicable rate schedule~~ in subdivisions a through d corresponding to
17 an individual's filing status used for federal income tax purposes. ~~For~~The tax for an
18 estate or trust, the schedule is equal to North Dakota taxable income multiplied by the
19 rate in subdivision e ~~must be used for purposes of this subsection.~~ The tax to be
20 computed for:

21 a. Single, other than head of household or ~~surviving spouse~~qualifying widow or
22 widower is one and one-half percent of North Dakota taxable income exceeding
23 forty-four thousand seven hundred twenty-five dollars.

24 ~~If North Dakota taxable income is:~~

Sixty-eighth
Legislative Assembly

	Over	Not over	The tax is equal to	Of amount over
1				
2	\$0	\$37,450	1.10%	\$0
3	\$37,450	\$90,750	\$411.95 + 2.04%	\$37,450
4	\$90,750	\$189,300	\$1,499.27 + 2.27%	\$90,750
5	\$189,300	\$411,500	\$3,736.36 + 2.64%	\$189,300
6	\$411,500		\$9,602.44 + 2.90%	\$411,500

b. Married filing jointly and surviving spousequalifying widow or widower is one and one-half percent of North Dakota taxable income exceeding seventy-four thousand seven hundred fifty dollars.

If North Dakota taxable income is:

	Over	Not over	The tax is equal to	Of amount over
11				
12	\$0	\$62,600	1.10%	\$0
13	\$62,600	\$151,200	\$688.60 + 2.04%	\$62,600
14	\$151,200	\$230,450	\$2,496.04 + 2.27%	\$151,200
15	\$230,450	\$411,500	\$4,295.02 + 2.64%	\$230,450
16	\$411,500		\$9,074.74 + 2.90%	\$411,500

c. Married filing separately is one and one-half percent of North Dakota taxable income exceeding thirty-seven thousand three hundred seventy-five dollars.

If North Dakota taxable income is:

	Over	Not over	The tax is equal to	Of amount over
20				
21	\$0 \$31,300	1.10%	\$0	
22	\$31,300	\$75,600	\$344.30 + 2.04%	\$31,300
23	\$75,600	\$115,225	\$1,248.02 + 2.27%	\$75,600
24	\$115,225	\$205,750	\$2,147.51 + 2.64%	\$115,225
25	\$205,750		\$4,537.37 + 2.90%	\$205,750

d. Head of household is one and one-half percent of North Dakota taxable income exceeding fifty-nine thousand nine hundred fifty dollars.

If North Dakota taxable income is:

	Over	Not over	The tax is equal to	Of amount over
29				
30	\$0 \$50,200	1.10%	\$0	
31	\$50,200	\$129,600	\$552.20 + 2.04%	\$50,200

Sixty-eighth
Legislative Assembly

1 \$129,600 \$209,850 \$2,171.96 + 2.27% \$129,600

2 \$209,850 \$411,500 \$3,993.64 + 2.64% \$209,850

3 \$411,500 \$9,317.20 + 2.90% \$411,500

4 e. Estates and trusts is one and one-half percent of North Dakota taxable income
5 exceeding three thousand dollars.

6 If North Dakota taxable income is:

7 Over Not over The tax is equal to Of amount over

8 \$0 \$2,500 1.10% \$0

9 \$2,500 \$5,900 \$27.50 + 2.04% \$2,500

10 \$5,900 \$9,050 \$96.86 + 2.27% \$5,900

11 \$9,050 \$12,300 \$168.37 + 2.64% \$9,050

12 \$12,300 \$254.17 + 2.90% \$12,300

13 f. For an individual who is not a resident of this state for the entire year, or for a
14 nonresident estate or trust, the tax is equal to the tax otherwise computed under
15 this subsection multiplied by a fraction in which:

16 (1) The numerator is the federal adjusted gross income allocable and
17 apportionable to this state; and

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

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

25 g. The tax commissioner shall prescribe new ~~rate schedules~~rates that apply in lieu
26 of the ~~schedules~~rates set forth in subdivisions a through e. The new
27 ~~schedules~~rates must be determined by increasing the ~~minimum and~~
28 ~~maximum~~North Dakota taxable income threshold dollar amounts for ~~each income~~
29 ~~bracket for which a tax is imposed~~ by the cost-of-living adjustment for the taxable
30 year as determined by the secretary of the United States treasury for purposes of
31 section 1(f) of the United States Internal Revenue Code of 1954, as amended.

1 For this purpose, the rate applicable to each income bracket may not be
2 changed, and the manner of applying the cost-of-living adjustment must be the
3 same as that used for adjusting the income brackets for federal income tax
4 purposes.

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

9 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
10 December 31, 2022.