

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2156

Introduced by

Senators Cook, Campbell, Oehlke

Representatives Belter, Drovdal, Headland

1 A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota
2 Century Code, relating to a corporate income tax credit for contributions to rural leadership
3 North Dakota; to amend and reenact subsection 3 of section 57-38-01.26, section 57-38-30,
4 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to
5 authorized investments of an angel fund for income tax credit purposes and a reduction in
6 income tax rates for corporations, individuals, estates, and trusts; and to provide an effective
7 date.

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

9 **SECTION 1. AMENDMENT.** Subsection 3 of section 57-38-01.26 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 3. An angel fund must:
- 12 a. Be a partnership, limited partnership, corporation, limited liability company, limited
13 liability partnership, trust, or estate organized on a for-profit basis which is
14 headquartered in this state.
- 15 b. Be organized for the purpose of investing in a portfolio of at least three primary
16 sector companies that are early-stage and mid-stage private, nonpublicly traded
17 enterprises with strong growth potential. For purposes of this section, an
18 early-stage entity means an entity with annual revenues of up to two million
19 dollars and a mid-stage entity means an entity with annual revenues over two
20 million dollars not to exceed ten million dollars. ~~Early stage and mid stage entities~~
21 ~~do not include those that have more than twenty-five percent of their revenue~~
22 ~~from income producing real estate.~~ Investments in real estate or real estate
23 holding companies are not eligible investments by certified angel funds. Any

1 angel fund certified before January 1, 2013, which has invested in real estate or a
2 real estate holding company is not eligible for recertification.

3 c. Consist of at least six accredited investors as defined by securities and exchange
4 commission regulation D, rule 501.

5 d. Not have more than twenty-five percent of its capitalized investment assets
6 owned by an individual investor.

7 e. Have at least five hundred thousand dollars in commitments from accredited
8 investors and that capital must be subject to call to be invested over an
9 unspecified number of years to build a portfolio of investments in enterprises.

10 f. Be member-managed or a manager-managed limited liability company and the
11 investor members or a designated board that includes investor members must
12 make decisions as a group on which enterprises are worthy of investments.

13 g. Be certified as an angel fund that meets the requirements of this section by the
14 department of commerce.

15 h. Be in compliance with the securities laws of this state.

16 i. Within thirty days after the date on which an investment in an angel fund is made,
17 the angel fund shall file with the tax commissioner and provide to the investor
18 completed forms prescribed by the tax commissioner which show as to each
19 investment in the angel fund the following:

20 (1) The name, address, and social security number or federal employer
21 identification number of the taxpayer or passthrough entity that made the
22 investment;

23 (2) The dollar amount remitted by the taxpayer or passthrough entity; and

24 (3) The date the payment was received by the angel fund for the investment.

25 j. Within thirty days after the end of a calendar year, the angel fund shall file with
26 the tax commissioner a report showing the name and principal place of business
27 of each enterprise in which the angel fund has an investment.

28 **SECTION 2.** A new section to chapter 57-38 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Corporate credit for contributions to rural leadership North Dakota.**

2 There is allowed a credit against the tax imposed by section 57-38-30 in an amount equal to
3 fifty percent of the aggregate amount of contributions made by the taxpayer during the taxable
4 year for tuition scholarships for participation in rural leadership North Dakota conducted through
5 the North Dakota state university extension service. Contributions by a taxpayer may be
6 earmarked for use by a designated recipient.

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

9 **57-38-30. Imposition and rate of tax on corporations.**

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

- 12 1. For the first twenty-five thousand dollars of taxable income, at the rate of one and
13 ~~sixty-eight~~forty-eight hundredths percent.
- 14 2. On all taxable income exceeding twenty-five thousand dollars and not exceeding fifty
15 thousand dollars, at the rate of ~~four~~three and ~~twenty-three~~seventy-three hundredths
16 percent.
- 17 3. On all taxable income exceeding fifty thousand dollars, at the rate of ~~five~~four and
18 ~~fifteen~~fifty-three hundredths percent.

19 **SECTION 4. AMENDMENT.** Subsection 1 of section 57-38-30.3 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 1. A tax is hereby imposed for each taxable year upon income earned or received in that
22 taxable year by every resident and nonresident individual, estate, and trust. A taxpayer
23 computing the tax under this section is only eligible for those adjustments or credits
24 that are specifically provided for in this section. Provided, that for purposes of this
25 section, any person required to file a state income tax return under this chapter, but
26 who has not computed a federal taxable income figure, shall compute a federal
27 taxable income figure using a pro forma return in order to determine a federal taxable
28 income figure to be used as a starting point in computing state income tax under this
29 section. The tax for individuals is equal to North Dakota taxable income multiplied by
30 the rates in the applicable rate schedule in subdivisions a through d corresponding to

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1 an individual's filing status used for federal income tax purposes. For an estate or
2 trust, the schedule in subdivision e must be used for purposes of this subsection.

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

4 If North Dakota taxable income is: The tax is equal to:
5 Not over ~~\$34,500~~\$36,250 1.51%1.22%
6 Over ~~\$34,500~~\$36,250 \$520.95\$442.25 plus 2.82%2.27%
7 but not over ~~\$83,600~~\$87,850 of amount over ~~\$34,500~~\$36,250
8 Over ~~\$83,600~~\$87,850 \$1,905.57\$1,613.57 plus
9 ~~3.13%~~2.52%

10 but not over ~~\$174,400~~\$183,250 of amount over ~~\$83,600~~\$87,850
11 Over ~~\$174,400~~\$183,250 \$4,747.61\$4,017.65 plus
12 ~~3.63%~~2.93%

13 but not over ~~\$379,150~~\$398,350 of amount over
14 ~~\$174,400~~\$183,250
15 Over ~~\$379,150~~\$398,350 \$12,180.04\$10,320.08 plus
16 ~~3.99%~~3.22%

17 of amount over
18 ~~\$379,150~~\$398,350

19 b. Married filing jointly and surviving spouse.

20 If North Dakota taxable income is: The tax is equal to:
21 Not over ~~\$57,700~~\$60,650 1.51%1.22%
22 Over ~~\$57,700~~\$60,650 \$871.27\$739.93 plus 2.82%2.27%
23 but not over ~~\$139,350~~\$146,400 of amount over ~~\$57,700~~\$60,650
24 Over ~~\$139,350~~\$146,400 \$3,173.80\$2,686.46 plus
25 ~~3.13%~~2.52%

26 but not over ~~\$212,300~~\$223,050 of amount over
27 ~~\$139,350~~\$146,400

28 Over ~~\$212,300~~\$223,050 \$5,457.14\$4,618.04 plus
29 ~~3.63%~~2.93%

30 but not over ~~\$379,150~~\$398,350 of amount over
31 ~~\$212,300~~\$223,050

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1	Over \$379,150 <u>\$398,350</u>	\$11,513.79 <u>\$9,754.33</u> plus
2	3.99% <u>3.22%</u>	
3		of amount over
4	\$379,150 <u>\$398,350</u>	
5	c. Married filing separately.	
6	If North Dakota taxable income is:	The tax is equal to:
7	Not over \$28,850 <u>\$30,325</u>	1.51% <u>1.22%</u>
8	Over \$28,850 <u>\$30,325</u>	\$435.64 <u>\$369.97</u> plus 2.82% <u>2.27%</u>
9	but not over \$69,675 <u>\$73,200</u>	of amount over \$28,850 <u>\$30,325</u>
10	Over \$69,675 <u>\$73,200</u>	\$1,586.90 <u>\$1,343.23</u> plus
11	3.13% <u>2.52%</u>	
12	but not over \$106,150 <u>\$111,525</u>	of amount over \$69,675 <u>\$73,200</u>
13	Over \$106,150 <u>\$111,525</u>	\$2,728.57 <u>\$2,309.02</u> plus
14	3.63% <u>2.93%</u>	
15	but not over \$189,575 <u>\$199,175</u>	of amount over
16	\$106,150 <u>\$111,525</u>	
17	Over \$189,575 <u>\$199,175</u>	\$5,756.90 <u>\$4,877.17</u> plus
18	3.99% <u>3.22%</u>	
19		of amount over
20	\$189,575 <u>\$199,175</u>	
21	d. Head of household.	
22	If North Dakota taxable income is:	The tax is equal to:
23	Not over \$46,250 <u>\$48,600</u>	1.51% <u>1.22%</u>
24	Over \$46,250 <u>\$48,600</u>	\$698.38 <u>\$592.92</u> plus 2.82% <u>2.27%</u>
25	but not over \$119,400 <u>\$125,450</u>	of amount over \$46,250 <u>\$48,600</u>
26	Over \$119,400 <u>\$125,450</u>	\$2,761.21 <u>\$2,337.42</u> plus
27	3.13% <u>2.52%</u>	
28	but not over \$193,350 <u>\$203,150</u>	of amount over
29	\$119,400 <u>\$125,450</u>	
30	Over \$193,350 <u>\$203,150</u>	\$5,075.84 <u>\$4,295.46</u> plus
31	3.63% <u>2.93%</u>	

1 determined by increasing the minimum and maximum dollar amounts for each
2 income bracket for which a tax is imposed by the cost-of-living adjustment for the
3 taxable year as determined by the secretary of the United States treasury for
4 purposes of section 1(f) of the United States Internal Revenue Code of 1954, as
5 amended. For this purpose, the rate applicable to each income bracket may not
6 be changed, and the manner of applying the cost-of-living adjustment must be
7 the same as that used for adjusting the income brackets for federal income tax
8 purposes.

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

13 **SECTION 5. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
14 December 31, 2012.