

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1223**

Introduced by

Representatives Dockter, Larson, Looyesen, Nathe, Owens, Silbernagel

Senators Burckhard, Poolman, Unruh

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 corporate and individual income tax
3 rate reductions; 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. For the first twenty-five thousand dollars of taxable income, at the rate of one and
11 ~~forty-eight~~forty-one hundredths percent.
- 12 2. On all taxable income exceeding twenty-five thousand dollars and not exceeding fifty
13 thousand dollars, at the rate of three and ~~seventy-three~~fifty-four hundredths percent.
- 14 3. On all taxable income exceeding fifty thousand dollars, at the rate of four and
15 ~~fifty-three~~thirty hundredths percent.

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

- 18 1. A tax is hereby imposed for each taxable year upon income earned or received in that
19 taxable year by every resident and nonresident individual, estate, and trust. A taxpayer
20 computing the tax under this section is only eligible for those adjustments or credits
21 that are specifically provided for in this section. Provided, that for purposes of this
22 section, any person required to file a state income tax return under this chapter, but
23 who has not computed a federal taxable income figure, shall compute a federal
24 taxable income figure using a pro forma return in order to determine a federal taxable

1 income figure to be used as a starting point in computing state income tax under this
 2 section. The tax for individuals is equal to North Dakota taxable income multiplied by
 3 the rates in the applicable rate schedule in subdivisions a through d corresponding to
 4 an individual's filing status used for federal income tax purposes. For an estate or
 5 trust, the schedule in subdivision e must be used for purposes of this subsection.

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

7 If North Dakota taxable income is:

8	Over	Not over	The tax is equal to	Of amount over
9	\$0	\$36,250	1.22%	\$0
10	\$36,250	\$87,850	\$442.25 + 2.27%	\$36,250
11	\$87,850	\$183,250	\$1,613.57 + 2.52%	\$87,850
12	\$183,250	\$398,350	\$4,017.65 + 2.93%	\$183,250
13	\$398,350		\$10,320.08 + 3.22%	\$398,350
14	<u>\$0</u>	<u>\$37,450</u>	<u>1.16%</u>	<u>\$0</u>
15	<u>\$37,450</u>	<u>\$90,750</u>	<u>\$434.42 + 2.16%</u>	<u>\$37,450</u>
16	<u>\$90,750</u>	<u>\$189,300</u>	<u>\$1,585.70 + 2.39%</u>	<u>\$90,750</u>
17	<u>\$189,300</u>	<u>\$411,500</u>	<u>\$3,941.05 + 2.78%</u>	<u>\$189,300</u>
18	<u>\$411,500</u>		<u>\$10,118.21 + 3.06%</u>	<u>\$411,500</u>

19 b. Married filing jointly and surviving spouse.

20 If North Dakota taxable income is:

21	Over	Not over	The tax is equal to	Of amount over
22	\$0	\$60,650	1.22%	\$0
23	\$60,650	\$146,400	\$739.93 + 2.27%	\$60,650
24	\$146,400	\$223,050	\$2,686.46 + 2.52%	\$146,400
25	\$223,050	\$398,350	\$4,618.04 + 2.93%	\$223,050
26	\$398,350		\$9,754.33 + 3.22%	\$398,350
27	<u>\$0</u>	<u>\$62,600</u>	<u>1.16%</u>	<u>\$0</u>
28	<u>\$62,600</u>	<u>\$151,200</u>	<u>\$726.16 + 2.16%</u>	<u>\$62,600</u>
29	<u>\$151,200</u>	<u>\$230,450</u>	<u>\$2,639.92 + 2.39%</u>	<u>\$151,200</u>
30	<u>\$230,450</u>	<u>\$411,500</u>	<u>\$4,534.00 + 2.78%</u>	<u>\$230,450</u>
31	<u>\$411,500</u>		<u>\$9,567.19 + 3.06%</u>	<u>\$411,500</u>

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1 c. Married filing separately.

2 If North Dakota taxable income is:

3	Over	Not over	The tax is equal to	Of amount over
4	\$0	\$30,325	1.22%	\$0
5	\$30,325	\$73,200	\$369.97 + 2.27%	\$30,325
6	\$73,200	\$111,525	\$1,343.23 + 2.52%	\$73,200
7	\$111,525	\$199,175	\$2,309.02 + 2.93%	\$111,525
8	\$199,175		\$4,877.17 + 3.22%	\$199,175
9	<u>\$0</u>	<u>\$31,300</u>	<u>1.16%</u>	<u>\$0</u>
10	<u>\$31,300</u>	<u>\$75,600</u>	<u>\$363.08 + 2.16%</u>	<u>\$31,300</u>
11	<u>\$75,600</u>	<u>\$115,225</u>	<u>\$1,319.96 + 2.39%</u>	<u>\$75,600</u>
12	<u>\$115,225</u>	<u>\$205,750</u>	<u>\$2,267.00 + 2.78%</u>	<u>\$115,225</u>
13	<u>\$205,750</u>		<u>\$4,783.60 + 3.06%</u>	<u>\$205,750</u>

14 d. Head of household.

15 If North Dakota taxable income is:

16	Over	Not over	The tax is equal to	Of amount over
17	\$0	\$48,600	1.22%	\$0
18	\$48,600	\$125,450	\$592.92 + 2.27%	\$48,600
19	\$125,450	\$203,150	\$2,337.42 + 2.52%	\$125,450
20	\$203,150	\$398,350	\$4,295.46 + 2.93%	\$203,150
21	\$398,350		\$10,014.82 + 3.22%	\$398,350
22	<u>\$0</u>	<u>\$50,200</u>	<u>1.16%</u>	<u>\$0</u>
23	<u>\$50,200</u>	<u>\$129,600</u>	<u>\$582.32 + 2.16%</u>	<u>\$50,200</u>
24	<u>\$129,600</u>	<u>\$209,850</u>	<u>\$2,297.36 + 2.39%</u>	<u>\$129,600</u>
25	<u>\$209,850</u>	<u>\$411,500</u>	<u>\$4,215.34 + 2.78%</u>	<u>\$209,850</u>
26	<u>\$411,500</u>		<u>\$9,821.21 + 3.06%</u>	<u>\$411,500</u>

27 e. Estates and trusts.

28 If North Dakota taxable income is:

29	Over	Not over	The tax is equal to	Of amount over
30	\$0	\$2,450	1.22%	\$0
31	\$2,450	\$5,700	\$29.89 plus 2.27%	\$2,450

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1	\$5,700	\$8,750	\$103.67 plus 2.52%	\$5,700
2	\$8,750	\$11,950	\$180.53 plus 2.93%	\$8,750
3	\$11,950		\$274.29 plus 3.22%	\$11,950
4	\$0	\$2,500	1.16%	\$0
5	\$2,500	\$5,900	\$29.00 + 2.04%	\$2,500
6	\$5,900	\$9,050	\$98.36 + 2.27%	\$5,900
7	\$9,050	\$12,300	\$169.87 + 2.64%	\$9,050
8	\$12,300		\$255.67 + 2.90%	\$12,300

- 9 f. For an individual who is not a resident of this state for the entire year, or for a
 10 nonresident estate or trust, the tax is equal to the tax otherwise computed under
 11 this subsection multiplied by a fraction in which:
- 12 (1) The numerator is the federal adjusted gross income allocable and
 - 13 apportionable to this state; and
 - 14 (2) The denominator is the federal adjusted gross income from all sources
 - 15 reduced by the net income from the amounts specified in subdivisions a and
 - 16 b of subsection 2.

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

- 21 g. The tax commissioner shall prescribe new rate schedules that apply in lieu of the
 22 schedules set forth in subdivisions a through e. The new schedules must be
 23 determined by increasing the minimum and maximum dollar amounts for each
 24 income bracket for which a tax is imposed by the cost-of-living adjustment for the
 25 taxable year as determined by the secretary of the United States treasury for
 26 purposes of section 1(f) of the United States Internal Revenue Code of 1954, as
 27 amended. For this purpose, the rate applicable to each income bracket may not
 28 be changed, and the manner of applying the cost-of-living adjustment must be
 29 the same as that used for adjusting the income brackets for federal income tax
 30 purposes.

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

5 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
6 December 31, 2015.