

**2013 SENATE FINANCE AND TAXATION**

**SB 2207**

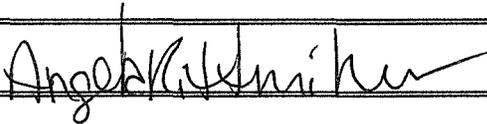
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Finance and Taxation Committee Lewis and Clark Room, State Capitol

SB 2207  
1/21/2013  
Job Number 17411

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new subsection to section 57-38-30.5 of the North Dakota Century Code, relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures; and to provide for retroactive application.

### Minutes:

Testimony Attached

**Chairman Cook** opened the hearing on SB 2207.

**Senator Grindberg** introduced SB 2207. See attached testimony 1.

**Senator Burckhard** - Is there any revenue affects to this? Is there a fiscal note, I don't see one.

**Senator Grindberg** - I would assume there is a fiscal note if it's been used. That information I assume the tax department could give you.

**Chairman Cook** asked for further testimony in support, then opposed and neutral.

**Matt Pearl, Office of State Tax Commissioner** - The tax department had a roll in drafting this language so it is language that we have reviewed. I do need to back up a couple points in the process in that the state R & D (research and development) credit is tied to the federal R & D credit so if congress does away with their credit, ours would go away as well. The intent of this bill is to do away with that being decoupled. However, the federal credit was scheduled to lapse starting with 2012 and so that is where this effective date retroactive to go back and pick up the 2012 comes from. However, with the late resolution of the fiscal cliff they extended the federal credit for 2 more years so we still without this bill would still have our state credit for 2012 and 2013. However, congress does have a sunset on theirs after 2013 so this bill would be required to ensure that we have a state R & D credit for 2014. So that is a little bit of more recent developments. A couple comments, the R & D credit that we have was created in 1987, the 2007 reference that Senator Grindberg made may have been referring to has to do with the revamp of the rates and allow higher rates to make it more competitively comparable to some other states so it could be said that our rates are higher than some other states for the R & D credit. That is the 2007, and that 2007 change specifically targeted a 4 year window to say new companies that came to

the state and started new R & D between 2007 and 2011 had the highest rates of the rate scheme that is in our statute. After 2011 a new company coming in and 2012 is going to be on the equal footing with a company that was in 2006. That 4 year, kind of, preferred window is going away.

**Chairman Cook** - What is the rate of the credit?

**Matt Pearl** - The computation of this credit is fairly complex. For example, if you have \$100,000 of R & D expenditures, the maximum expenditures you can get subject to the credit, you cut them in half right away, so you would have \$50,000, and then you get 25% on your first amount of expenditures and then it goes down from there, so it's a graduated rate scheme.

**Chairman Cook** - I'm sure that credit is defined in 57-38?

**Matt Pearl** - Yes, the rate structure is in this section of statute.

**Chairman Cook** asked for any other testimony.

**Chairman Cook** closed the hearing on SB 2207.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Finance and Taxation Committee  
Lewis and Clark Room, State Capitol

SB 2207  
1/22/2013  
Job Number 17491

Conference Committee

Committee Clerk Signature

*Angela Kittmiller*

## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new subsection to section 57-38-30.5 of the North Dakota Century Code, relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures; and to provide for retroactive application.

## Minutes:

Committee Work

**Chairman Cook** opened SB 2207 for discussion.

**Chairman Cook** - We heard this bill yesterday. I had our intern do some research on what the credit is. It looks like this credit could actually move down as it gets older to the point where it is equal to no more than 8% of the research expense.

**Senator Oehlke** - I'll move a **Do Pass**.

Seconded by **Senator Dotzenrod**.

**Roll Call Vote 5-0-2**

Carried by **Senator Oehlke**.

Date: 1-22-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2207

Senate Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Oehlke Seconded By Senator Dotzenrod

Senators	Yes	No	Senator	Yes	No
Chairman Dwight Cook	X		Senator Jim Dotzenrod	X	
Vice Chairman Tom Campbell	X		Senator Connie Triplett		
Senator Joe Miller					
Senator Dave Oehlke	X				
Senator Randy Burckhard	X				

Total (Yes) 5 No 0

Absent 2

Floor Assignment Senator Oehlke

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2207: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2207 was placed on the Eleventh order on the calendar.

**2013 HOUSE FINANCE AND TAXATION**

**SB 2207**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Finance and Taxation Committee  
Fort Totten Room, State Capitol

SB 2207  
March 12, 2013  
Job #19780

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

A Bill relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures.

## Minutes:

*Attached testimony #1*

**Chairman Belter:** Opened hearing on SB 2207.

**Senator Grindberg:** Introduced bill. See attached testimony #1.

**Chairman Belter:** Further testimony in support of 2207? Any opposition? Neutral testimony?

**Matt Peyerl, Office of State Tax Commissioner:** The North Dakota RND credit is currently tied to the existence of the federal RND credit. When the bill was drafted the federal credit was set to expire after 2011 but the first fiscal cliff resolution on January 1 retroactively extended it two years to 2013 so ours would expire after 2013. This bill would pick up starting 2014 if congress does not extend it again. This bill would just take the uncertainty off the table and our credit would exist prospectively with the provisions that are in place as of the last date that the feds had that credit. Our credit was created in 1987 so it has a long history. In 2007 the rates were revamped quite a bit to make the credit a little more generous so that was probably the change the senate was referring too.

**Chairman Belter:** What is the amount of credit?

**Matt Peyerl:** The computation of this credit is probably the most complicated. For example, if you spend \$200,000 in RND expenses in North Dakota your credit would be \$25,000 so that comes out to about 12 ½% but once you start spending different amounts the rates change a bit. It depends on what year you started having RND in North Dakota and then how much you have here so it is a lot of sliding scales and other criteria that go into it.

**Chairman Belter:** Do neighboring states have similar credit?

**Matt Peyerl:** Many states that have income taxes have a RND credit. I would venture to say that more than half have a RND credit. I know Minnesota has one.

**Chairman Belter:** Do you have information on what the amount of credits have been taken?

**Matt Peyerl:** On average there are about \$4 million of tax credits claimed for the RND credit for about 40 different business entities. It's available for corporations and for pass-through entities so pass-through entities compute the credit and then it flows through to the individual income tax returns. It has been more or less \$3-4 million a year with 35-40 entities claiming it. I can get you that in writing if you like.

**Chairman Belter:** Yes I would like to see that.

**Representative Froseth:** Can you give us examples of who uses this credit?

**Matt Peyerl:** Anyone who has engineering staff where they develop new manufactured products or developing new products. Pharmaceutical companies, software development, universities, and research companies also use this tax credit as well.

**Chairman Belter:** It's not a flat rate then?

**Matt Peyerl:** No, it's not a flat rate. There is also the federal credit which is similar to the state in that if you have \$200,000 in federal RND your rate would be about \$20,000 and you would get about \$20,000 in federal credit so you would get about \$25,000 in state credit in addition to that so these two work together where it's the same qualifying expenses you would get the credit on.

**Chairman Belter:** The federal credit has expired?

**Matt Peyerl:** It was reinstated for 2012 and 2013 so it is set to expire after 2013. 2014 would be the first impact of the retention of the state credit due to this bill.

**Chairman Belter:** Is the federal credit a yearly renewal?

**Matt Peyerl:** It's kind of tied to the atmosphere in congress; typically it's one of those that is extended a year or two at a time. In the mid-90s it lapsed and our North Dakota credit lapsed for six months during that time.

**Representative Trottier:** Could this heavily affect our research universities?

**Matt Peyerl:** This bill shouldn't change any of that impact except removing a bit of the uncertainty I guess in being tied to the federal existence of the credit. It really doesn't change the level of incentive or the amount of dollars so I don't know if I can speak to what changes the bill would cause.

**Vice Chairman Headland:** What would happen to the credit if we don't pass this bill; would it automatically be renewed with every time the feds renew it?

**Matt Peyerl:** That's exactly what would happen. That is exactly what has been happening the past several years in that whenever congress extends it a year or two at a time ours continues to get extended a year or two at a time. This last time it came down to it being expired so all of 2012 companies were operating and spending money on RND with the hope that congress would come in at the end of the year and retroactively reinstate it at the beginning of 2012 which they did. The feds took care of 2012 and 2013. This bill's effective date would have went back and picked it up for North Dakota only if the feds wouldn't have so this bill would have covered that gap if it needed to but it didn't need to but it would 2014 and forward.

**Chairman Belter:** Any other neutral testimony on 2207? What are the committee's wishes?

**Representative Froseth: Made a motion for a Do Pass.**

**Representative Haak: Seconded.**

**Representative Owens:** I'm wondering if this is any action we have to take right now. I don't believe they are going to get rid of the RND on the federal level even though they keep renewing it.

**Vice Chairman Headland:** I would agree. If we don't pass it then it would at least give us an opportunity to address it should the federal government decide that they don't want to move forward with their own tax credit. This way unless somebody specifically brings it up it will never be addressed again.

**Chairman Belter:** We have a motion.

**ROLL CALL VOTE: 3 YES 8 NO 3 ABSENT  
MOTION FAILED.**

**Chairman Belter:** Do you want to act on this bill or do you want some more time?

**Vice Chairman Headland:** If the federal government is choosing to address it year by year if we don't pass this bill and next year they would decide not to pass it we would have a year where we would have a lapse, correct?

**Chairman Belter:** I believe that is correct. Let's get clarification.

**Donnita Wald, Legal Counsel for the Office of the State Tax Commissioner:** You are correct.

**Vice Chairman Headland:** With that being said if we want to assure that moves forward the second year of our biennium we could pass it with a sunset provision. That would automatically give us the opportunity to address it again if that would be the case.

**Representative Drovdal:** Vice Chairman Headland is absolutely correct. If that is our concern then we want to make sure we leave it in the code then why don't we just pass it?

**Representative Owens:** This bill was written thinking the federal RND was going to be cancelled anyway and it was written with a retroactive clause in it to go back that year. I don't think that one year is a big deal.

**Chairman Belter:** Let's sit on this for a bit yet.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Finance and Taxation Committee  
Fort Totten Room, State Capitol

SB 2207  
March 18, 2013  
Job #20079

Conference Committee

Committee Clerk Signature

*Mary Brucker*

**Minutes:**

**Chairman Belter:** This is Senator Grindberg's expiration of federal research tax credit. Was anyone getting amendments on that?

**Vice Chairman Headland:** We were going to ask the tax department if we needed to pass it because as long as the federal tax credit moves forward then this one also moves forward.

**Matt Peyerl, Office of State Tax Commissioner:** This bill makes sure our North Dakota credit lives on even if the feds decide not to reinstate theirs in 2014. Everybody is covered in 2013; the feds have theirs and ours are tied to theirs so we have ours too. It's only in existence up through 2013 so then our taxpayers have to wait to see if there is going to be a credit or not. Passing this bill would say regardless of what the feds do North Dakota has a RND credit.

**Vice Chairman Headland:** Offered an amendment that this would sunset January 1, 2015 to get us through the next legislative session.

**Representative Klein:** Seconded.

**Vice Chairman Headland:** Maybe it should be December 31, 2014.

**Matt Peyerl:** I believe some of the language would be similar to how the retroactive application language is and that is for taxable years beginning before. So it would be not applicable for years beginning after December 31, 2014. This would make clear that everybody on one side has it and everybody on the other doesn't so the sunset is in the middle.

**Representative Schmidt:** If it's dependent upon federal and their year is October 1 through September 31 wouldn't we have to somewhat coordinate with the federal year?

**Representative Froseth:** Reading it the way it is should be fine because it is retroactive to taxable years beginning after December 31, 2011 so if you left it there the retroactive clause would still be in place.

**Chairman Belter:** But he wants to sunset it.

**Vice Chairman Headland:** If the federal government takes away the tax credit we at least want to be able to address it.

**Matt Peyerl:** The federal RND tax credit is also based on tax years even though the federal budget cycle might be October so we're in sync on that.

**Chairman Belter:** Will, you're going to take care of the language for us?

**Representative Headland:** To end on taxable years after December 31, 2014.

**Chairman Belter:** It will be sunsetted.

**Matt Peyerl:** Ineffective after December 31, 2014.

**VOICE VOTE TO SUNSET AFTER DECEMBER 31, 2014: MOTION CARRIED.**

**Chairman Belter:** What are your wishes?

**Representative Drovdal:** Made a motion for a Do Pass as Amended.

**Representative Trottier:** This would only apply to companies or whoever that is filing a North Dakota income tax return?

**Chairman Belter:** Right.

**Vice Chairman Headland:** You would have to have North Dakota tax liability.

**Representative Hatlestad:** Seconded.

**ROLL CALL VOTE: 12 YES 1 NO 1 ABSENT**

**Representative Dockter will carry this bill.**

March 18, 2013

VK  
3/18/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2207

Page 1, line 3, remove the second "and"

Page 1, line 4, after "application" insert "; and to provide an expiration date"

Page 1, after line 14, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through December 31, 2014, and after that date is ineffective."

Renumber accordingly

Date: 3-12-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2207

House Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Froseth Seconded By Rep. Haak

Representatives	Yes	No	Representatives	Yes	No
Chairman Wesley Belter		✓	Rep. Scot Kelsh	AB	
Vice Chairman Craig Headland		✓	Rep. Steve Zaiser	AB	
Rep. Matthew Klein		✓	Rep. Jessica Haak	✓	
Rep. David Drovdal		✓	Rep. Marie Strinden	AB	
Rep. Glen Froseth	✓				
Rep. Mark Owens		✓			
Rep. Patrick Hatlestad	✓				
Rep. Wayne Trottier		✓			
Rep. Jason Dockter		✓			
Rep. Jim Schmidt		✓			

Total (Yes) 3 No 8

Absent 3

Floor Assignment §

If the vote is on an amendment, briefly indicate intent:

MOTION FAILS

Date: 3-18-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2207**

House Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
*sunset Jan 1, 2015*  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Headland Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Wesley Belter			Rep. Scot Kelsh		
Vice Chairman Craig Headland			Rep. Steve Zaiser		
Rep. Matthew Klein			Rep. Jessica Haak		
Rep. David Drovdal			Rep. Marie Strinden		
Rep. Glen Froseth					
Rep. Mark Owens					
Rep. Patrick Hatlestad	VOICE = MOTION VOTE = CARRIES				
Rep. Wayne Trottier					
Rep. Jason Dockter					
Rep. Jim Schmidt					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*on taxable years after*  
 Add sunset to end Dec. 31, 2014.

Date: 3-18-13  
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2207**

House Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Drovdal Seconded By Rep. Hatlestad

Representatives	Yes	No	Representatives	Yes	No
Chairman Wesley Belter	AB		Rep. Scot Kelsh	✓	
Vice Chairman Craig Headland	✓		Rep. Steve Zaiser	✓	
Rep. Matthew Klein	✓		Rep. Jessica Haak	✓	
Rep. David Drovdal	✓		Rep. Marie Strinden	✓	
Rep. Glen Froseth	✓				
Rep. Mark Owens	✓				
Rep. Patrick Hatlestad	✓				
Rep. Wayne Trottier		✓			
Rep. Jason Dockter	✓				
Rep. Jim Schmidt	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Dockter

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2207: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the second "and"

Page 1, line 4, after "application" insert "; and to provide an expiration date"

Page 1, after line 14, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through December 31, 2014, and after that date is ineffective."

Renumber accordingly

**2013 CONFERENCE COMMITTEE**

**SB 2207**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Finance and Taxation Committee Lewis and Clark Room, State Capitol

SB 2207  
4/10/2013  
Job Number 21094

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new subsection to section 57-38-30.5 of the North Dakota Century Code, relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures; and to provide for retroactive application.

### Minutes:

Conference Committee

Present: Senator Oehlke, Senator Campbell, Senator Triplett  
Representative Hatlestad, Representative Trottier, Representative Kelsh

**Senator Oehlke** opened the conference committee on SB 2207.

**Representative Hatlestad** - The difference is merely the effective date, the sunset clause that is what our concern is.

**Senator Oehlke** - The reason I understand is that you want to be able to look at it every couple of years and not just have it ongoing. Is there a scary reason out there that you wouldn't want it ongoing?

**Representative Hatlestad** - The fact that the bill really isn't necessary now that the feds did continue the appropriation, so in effect what we have here is an emergency clause that if the feds shut off the money that at least the state credit would continue.

**Matt Peyerl, Tax Department** - The North Dakota credit is tied to the federal credit. The credit expired at the end of 2011 so during 2012 companies were operating with the hope that the fiscal cliff resolution would bring it back. This bill was drafted just in case it didn't. That is why the retroactive clause is on there in section 2. (2:14)

**Senator Oehlke** - Refresh my memory on the research tax credits that we have in section 41 now, are they ongoing?

**Matt Peyerl, Tax Department** - They are all tied to the existence of the federal credit. It's been that way since North Dakota adopted the credit in the late 1980's. (3:41)

**Senator Oehlke** - So in effect this would then give us the need to revisit the tax credit itself every 2 years wouldn't it?

**Matt Peyerl** - That sunset provision does then require it be looked at unless the legislature decides they don't want the credit at all. Or if congress re-ups their credit then we just continue on being tied to congress continually extending it. (4:43)

**Representative Hatlestad** - You just said now that if the feds come up in 2014 and renew it, then ours, even though this law says it expires, the state credit would continue or the state credit is done?

**Matt Peyerl** - The state credit would continue. The sunset is just applicable to this language in this bill that says, always will live on if the federal one doesn't.

**Senator Triplett** - Can you tell us why this credit was set up this way being dependent on the federal credit?

**Matt Peyerl** - An expenditure of whether it qualified for this credit is very technical and by tying ourselves to the federal credit, I don't know if this is the exact intent, but in tying ourselves to the federal credit we don't have to make the decision on every expense that qualifies because we rely on the IRS to audit whether they are qualifying or not and then if they were incurred in our state that is where they get our share of that credit. So we are able to leverage the IRS's qualifying nature of the expenditures.

**Senator Triplett** - Then there would be some cost to the state if the federal credit expired and we wanted to keep the state one going, there would be some administrative costs in terms of how to figure out if they qualify.

**Matt Peyerl** - Verifying the credit would be more challenging.

**Senator Triplett** - So maybe there is a reason to have a sunset.

**Senator Campbell** - I don't have a problem with that sunset in 2 years.

**Senator Oehlke** - Does it make extra work for the Tax Department? Redoing it every 2 years, does that create any problems for you? Do you have to do any special forms?

**Matt Peyerl** - No, it would be the same effort on your part and our part as it was in this session.

**Representative Kelsh** - When does this federal credit expire?

**Matt Peyerl** - It generally is tied to a tax year. The expiration right now is through tax year 2013 so it would be on your tax form 2013 so your form year 2014 would not have it.

**Senator Campbell** - Would you consider going to 2017, go 4 years instead of 2?

**Representative Hatlestad** - I think by virtue the fact that the feds are going to expire in 2013 than we would like to know where we are going.

**Matt Peyerl** - This bill is retroactive back to 2012 although the 2012 and 2013 really aren't needed so it really isn't retroactive anymore so it is applicable for 2014.

**Senator Triplett** - I'll move the **Senate accede to the House amendments**.

Seconded by **Representative Kelsh**.

**Roll Call Vote 6-0-0**

Committee adjourned.

Date 4-10-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. \_\_\_\_\_ SB 2207 \_\_\_\_\_ as (re) engrossed

Senate \_\_\_\_\_ Finance & Taxation \_\_\_\_\_ Committee

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Senators	4/10		Yes	No	Representatives	4/10		Yes	No
Senator Oehlke	✓		X		Representative Hatlestad	✓		X	
Senator Campbell	✓		X		Representative Trottier	✓		X	
Senator Triplett	✓		X		Representative Kelsh	✓		X	
<b>Total Senate Vote</b>			<b>3</b>		<b>Total Rep. Vote</b>			<b>3</b>	

Vote Count      Yes: 6      No: 0      Absent: 0

Senate Carrier Oehlke      House Carrier Hatlestad

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2207:** Your conference committee (Sens. Oehlke, Campbell, Triplett and Reps. Hatlestad, Trottier, S. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 899 and place SB 2207 on the Seventh order.

SB 2207 was placed on the Seventh order of business on the calendar.

**2013 TESTIMONY**

**SB 2207**

**SB 2207**

**Research Expense Credit**

**Testimony, Senator Tony Grindberg**

**January 21, 2013**

**Senate Finance & Tax Committee**

**9:45 a.m., Mon. January 21, 2013**

:

Senate Bill 2207 is a bill draft to decouple the state Research Expense Income Tax Credit from the federal credit. As you may know, the Federal credit is currently expired. As a result our state credit is currently ineffective due to decoupling.

The bill draft would do the following:

1. Lock in the ND Research Expense credit at the 2011 Federal definitions (Currently the state credit goes away when the federal credit expires)
2. Eliminate the uncertainty of having the state credit eliminated when the federal government allows a credit to expire.

Officials from the North Dakota tx department will provide more details and background with the proposed legislation.

I would be happy to answer any questions.

Thank you

**SB 2207**



**Research Expense Credit**

**Testimony, Senator Tony Grindberg**

**March 12, 2013**

**House Finance & Tax Committee**

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Senate Bill 2207 is a bill draft to decouple the state Research Expense Income Tax Credit from the federal credit. As you may know, the Federal credit is currently expired. As a result our state credit is currently ineffective due to decoupling.

The bill draft would do the following:

1. Lock in the ND Research Expense credit at the 2011 Federal definitions (Currently the state credit goes away when the federal credit expires)
2. Eliminate the uncertainty of having the state credit eliminated when the federal government allows a credit to expire.

Officials from the North Dakota tax department will provide more details and background with the proposed legislation.

I would be happy to answer any questions.

Thank you