

Fifty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Klein, Schobinger

Representative Boehm

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2  
2 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to  
3 reduction of the income tax marriage penalty; to provide an effective date; and to provide an  
4 expiration date.

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

6 **SECTION 1.** A new subdivision to subsection 1 of section 57-38-01.2 of the 1997  
7 Supplement to the North Dakota Century Code is created and enacted as follows:

8 Reduced by an amount equal to five percent of federal adjusted gross income  
9 for the same taxable year for which the return is being filed under this  
10 chapter, if all of the following conditions are met:

- 11 (1) The deduction under this subdivision is claimed on a joint return;
- 12 (2) The person with the lower reported income of the two people filing the  
13 joint return earned at least thirty percent of the total income reported by  
14 the two people; and
- 15 (3) The combined gross income of the two people filing the joint return is  
16 less than one hundred fifty thousand dollars.

17 **SECTION 2.** A new subdivision to subsection 1 of section 57-38-01.2 of the 1997  
18 Supplement to the North Dakota Century Code is created and enacted as follows:

19 Reduced by an amount equal to ten percent of federal adjusted gross income  
20 for the same taxable year for which the return is being filed under this  
21 chapter, if all of the following conditions are met:

- 22 (1) The deduction under this subdivision is claimed on a joint return;



1 purposes. The recomputed amount is federal income tax liability to be used as a  
2 starting point for the taxpayers if all of the following conditions are met:

- 3 a. The right to recomputation under this subsection is claimed on a joint return;  
4 b. The person with the lower reported income of the two people filing the joint  
5 return earned at least thirty percent of the total income reported by the two  
6 people; and  
7 c. The combined gross income of the two people filing the joint return is less  
8 than one hundred fifty thousand dollars.

9 **SECTION 5. EFFECTIVE DATE - EXPIRATION DATE.** Sections 1 and 3 of this Act  
10 are effective for the first two taxable years beginning after December 31, 2000, and are  
11 thereafter ineffective. Sections 2 and 4 of this Act are effective for taxable years beginning  
12 after December 31, 2002. This Act is ineffective for taxable years for which the tax  
13 commissioner certifies to the governor and the legislative council that Congress has enacted  
14 federal legislation that eliminates the marriage tax penalty under federal income tax law.