

**SENATE BILL NO. 2362
with House Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2362

Introduced by

Senators Dever, Cook, Wardner

Representatives Carlisle, L. Meier, Thoreson

1 A BILL for an Act to amend and reenact subdivision u of subsection 1 of section 57-38-01.2 and
2 subdivision g of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating
3 to income tax deduction for income of national guard and reserve volunteers for federal active
4 duty; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subdivision u of subsection 1 of section 57-38-01.2 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 u. Reduced by the amount received by the taxpayer as payment for services
9 performed when ~~called or ordered to~~ mobilized under title 10 United States
10 Code federal service as a member of the national guard or reserve member
11 of the armed forces of the United States. An individual claiming the reduction
12 under this subdivision may not also claim the reduction under subdivision k
13 for the time the individual was under federal orders for active duty and may
14 not claim a reduction on income already excluded from federal taxation due to
15 service in a combat or hazardous duty zone. This subdivision does not apply
16 to federal service while attending annual training, basic military training, or
17 professional military education, ~~or active guard and reserve tours for which~~
18 ~~the member has volunteered.~~

19 **SECTION 2. AMENDMENT.** Subdivision g of subsection 2 of section 57-38-30.3 of the
20 North Dakota Century Code is amended and reenacted as follows:

21 g. Reduced by the amount received by the taxpayer as payment for services
22 performed when ~~called or ordered to~~ mobilized under title 10 United States
23 Code federal service as a member of the national guard or reserve member
24 of the armed forces of the United States. This subdivision does not apply to

1 federal service while attending annual training, basic military training, or
2 professional military education, ~~or active guard and reserve tours for which~~
3 ~~the member has volunteered.~~

4 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
5 December 31, 2004.