

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2244

Introduced by

Senators Pomeroy, Anderson, Krebsbach, Lyson, Mathern

Representative Myxter

1 A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 15 of
2 section 57-02-08 of the North Dakota Century Code, relating to continuation of the farm
3 residence exemption for the surviving spouse of a deceased farmer; and to provide an effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Paragraph 2 of subdivision b of subsection 15 of section
7 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

8 (2) "Farmer" means an individual who normally devotes the major portion
9 of time to the activities of producing products of the soil, poultry,
10 livestock, or dairy farming in such products' unmanufactured state and
11 has received annual net income from farming activities which is fifty
12 percent or more of annual net income, including net income of a
13 spouse if married, during any of the three preceding calendar years.
14 ~~"Farmer"~~ For purposes of this paragraph, "farmer" includes a ~~"retired~~
15 ~~farmer" who is retired because of illness or age and who at the time of~~
16 ~~retirement owned and occupied as a farmer the residence in which the~~
17 ~~person lives and for which the exemption is claimed. "Farmer" includes~~
18 ~~a "beginning:~~

19 (a) "Beginning farmer", which means an individual who has begun
20 occupancy and operation of a farm within the three preceding
21 calendar years; who normally devotes the major portion of time
22 to the activities of producing products of the soil, poultry,
23 livestock, or dairy farming in such products' unmanufactured

1 state; and who does not have a history of farm income from farm
2 operation for each of the three preceding calendar years.

3 (b) "Retired farmer", which means an individual who is retired
4 because of illness or age and who at the time of retirement
5 owned and occupied as a farmer the residence in which the
6 person lives and for which the exemption is claimed.

7 (c) "Surviving spouse of a farmer", which means the surviving
8 spouse of an individual who is deceased, who at the time of
9 death owned and occupied as a farmer the residence in which
10 the surviving spouse lives and for which the exemption is
11 claimed. The exemption under this subparagraph expires at the
12 end of the fifth taxable year after the taxable year of death of an
13 individual who at the time of death was an active farmer. The
14 exemption under this subparagraph applies for as long as the
15 residence is continuously occupied by the surviving spouse of an
16 individual who at the time of death was a retired farmer.

17 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
18 December 31, 2008, and applies to the surviving spouse of a deceased farmer regardless of
19 whether death occurred before or after January 1, 2009, if the occupancy by the surviving
20 spouse has been continuous and otherwise qualifies under this Act.