

Introduced by

Senators Grindberg, Hogue, O'Connell

Representatives D. Johnson, Klemin, Thoreson

1 A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota  
2 Century Code, relating to a property tax exemption for the primary residence of certain military  
3 servicemembers called to federal active duty service; and to provide an effective date.

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

5 **SECTION 1.** A new subsection to section 57-02-08 of the North Dakota Century Code is  
6 created and enacted as follows:

7 A servicemember called to federal active duty service is entitled to claim an exemption  
8 consisting of a reduction in the taxable valuation of the servicemember's homestead,  
9 as provided in this subsection.

10 a. The exemption under this subsection is a reduction of one hundred percent of the  
11 taxable valuation of the servicemember's homestead multiplied by a percentage  
12 determined by dividing the number of days of the servicemember's federal active  
13 duty service during the taxable year by the number of days in the taxable year.

14 The exemption may not exceed a reduction of more than four thousand five  
15 hundred dollars of taxable valuation.

16 b. A claim for the exemption under this subsection must be accompanied by a copy  
17 of the servicemember's deployment orders and, if the deployment has ended, a  
18 copy of the servicemember's DD form 214 certificate of release or discharge from  
19 active duty. A claim for the credit under this subsection may be filed by the  
20 servicemember, the servicemember's spouse, or the servicemember's legal  
21 representative as evidenced by a copy of a valid power of attorney.

22 c. Servicemembers residing together, as spouses or when one or more is a  
23 dependent of another, are entitled to only one exemption between or among  
24 them under this section. Servicemembers residing together, who are not spouses

1 or dependents, who are coowners of the property are each entitled to claim a  
2 percentage of a full exemption under this subsection equal to their ownership  
3 interests in the property.

4 d. This subsection does not reduce the liability of any person for special  
5 assessments levied upon any property.

6 e. Any person claiming the exemption under this subsection shall sign a verified  
7 statement of facts establishing the servicemember's eligibility.

8 f. The assessor shall attach the statement filed under subdivision e to the  
9 assessment sheet and shall show the reduction on the assessment sheet.

10 g. All forms necessary to effectuate this subsection must be prescribed, designed,  
11 and made available to the adjutant general and county directors of tax  
12 equalization by the tax commissioner. The adjutant general and county directors  
13 of tax equalization shall make these forms available upon request.

14 h. The exemption provided under this subsection is in addition to any other  
15 exemption, credit, or property tax reduction to which the servicemember may be  
16 entitled.

17 i. For purposes of this subsection:

18 (1) "Federal active duty service" means military services performed for ninety  
19 days or more during the taxable year in compliance with a valid order to  
20 federal service under 10 U.S.C.1209 received as a member of the national  
21 guard, reserve member of the armed services of the United States, or  
22 reserve member of the United States coast guard to report for combat  
23 operations, contingency operations, peacekeeping operations, temporary  
24 duty, a remote tour of duty, or other active service for which the deploying  
25 servicemember reports unaccompanied by any family member. "Federal  
26 active duty service" includes the period from the effective date of the  
27 deployed servicemember's deployment orders to the effective date of the  
28 servicemember's DD form 214 certificate of release or discharge from active  
29 duty.

30 (2) "Homestead" means the residence owned and occupied as a primary  
31 residence by the servicemember, including a mobile home subject to

1                           taxation under chapter 57-55, and has the same meaning provided in  
2                           section 47-18-01, except the valuation restriction in section 47-18-01 does  
3                           not apply in this subsection.

4           **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after  
5   December 31, 2012.