

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Dotzenrod

1 A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota
2 Century Code, relating to property tax credit for owner-occupied primary residence in this state;
3 to provide an appropriation; and to provide an effective date.

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

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

7 **Owner-occupied primary residence property tax credit.**

- 8 1. An individual who is the owner and occupant of that individual's primary residence,
9 if that residence is located in this state, is entitled to a credit of fifteen percent of
10 property taxes due after the discount for early payment of tax against that property
11 for the taxable year.
- 12 2. The credit under this section applies if the individual does not reside in the
13 residence and the person's absence is due to confinement in a nursing home,
14 hospital, or other care facility, for as long as the portion of the residence previously
15 occupied by the individual is not rented to another person.
- 16 3. Individuals residing together, as spouses or when one or more is a dependent of
17 another, are entitled to only one credit between or among them under this section.
18 Individuals residing together, who are not spouses or dependents, who are
19 coowners of the property are each entitled to a percentage of a full credit under this
20 section equal to their ownership interest in the property.
- 21 4. Any individual claiming the credit under this section shall sign a verified statement
22 identifying the property for which the credit is claimed and verifying that the
23 property is owned by the claimant and occupied by the claimant as a primary
24 residence. The claim must be made on a form provided by the tax commissioner

1 and the signed form must be filed with the auditor of the county in which the
2 primary residence is located.

3 5. By March first of each year, the county auditor of each county shall certify to the
4 tax commissioner on forms prescribed by the tax commissioner the name and
5 address of each individual from whom a claim for the credit under this section was
6 received for the preceding year, the amount of the claim, and the total amount of
7 claims received, with such other information as the tax commissioner requires.

8 6. The tax commissioner shall audit the certifications received under subsection 5,
9 make any corrections required, and certify to the state treasurer for a payment to
10 each county on or before June first of the year the sum of the amounts computed
11 for credits allowed under this section in the county.

12 7. The county treasurer upon receipt of the payment from the state treasurer shall
13 apportion and distribute the payment to the county and the taxing districts in the
14 county according to the property tax reductions claimed and allowed for each
15 eligible property in the county under this section.

16 8. Supplemental certifications by the county auditor and the tax commissioner and
17 supplemental payments by the state treasurer may be made after the dates
18 prescribed in this section to make corrections as may be necessary or because of
19 approval of any application for abatement.

20 9. If the claim of the individual for a credit under this section appears to be in
21 accordance with the requirements of this section, the county treasurer shall reduce
22 the property taxes payable, after application of the discount for early payment of
23 taxes, by twelve percent on the property and reduce the property tax statement for
24 the property accordingly.

25 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
26 general fund in the state treasury, not otherwise appropriated, the sum of \$100,000,000, or so
27 much of the sum as may be necessary, to the tax commissioner for the purpose of state
28 payment of the credits under section 1 of this Act, for the biennium beginning July 1, 2009, and
29 ending June 30, 2011.

30 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
31 December 31, 2008.