

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1217

Introduced by

Representatives Owens, Dahl, Sanford

Senators Cook, Sorvaag

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2, subdivision j of
2 subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of
3 section 57-40.3-04 of the North Dakota Century Code, relating to benefits for disabled veterans;
4 and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-18.2 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. "Dependent" for purposes of section 15-10-18.3 means:

- 9 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran"
10 is defined in section 37-01-40, who was killed in action or died from wounds or
11 other service-connected causes, ~~was totally disabled as a result of~~
12 service-connected causes, has a one hundred percent service-connected
13 disability as determined by the department of veterans' affairs, has an
14 extra-schedular rating to include individual unemployability that brings the
15 veteran's total disability rating to one hundred percent as determined by the
16 department of veterans' affairs, died from service-connected disabilities, was a
17 prisoner of war, or was declared missing in action;
- 18 b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed
19 in action or died from wounds or other service-connected causes, ~~was totally~~
20 ~~disabled as a result of service-connected causes,~~ has a one hundred percent
21 service-connected disability as determined by the department of veterans' affairs,
22 has an extra-schedular rating to include individual unemployability that brings the
23 veteran's total disability rating to one hundred percent as determined by the
24 department of veterans' affairs, died from service-connected disabilities, was a

prisoner of war, or was declared missing in action, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or

- c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, ~~was totally disabled as a result of service-connected causes,~~ has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.

SECTION 2. AMENDMENT. Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901] ~~or, a disabled veteran~~ who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs is entitled to display a distinctive license plate issued by the department upon the payment of a fee of five dollars. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time.

SECTION 3. AMENDMENT. Subsection 1 of section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater ~~or a disabled veteran who has~~ an extra-schedular rating to include individual unemployability that brings the veteran's

1 total disability rating to one hundred percent as determined by the department of
2 veterans' affairs, who was discharged under honorable conditions or who has been
3 retired from the armed forces of the United States, or the unremarried surviving
4 spouse if the disabled veteran is deceased, is eligible for a credit applied against the
5 first one hundred twenty thousand dollars of true and full valuation of the fixtures,
6 buildings, and improvements of the person's homestead equal to the percentage of
7 the disabled veteran's disability compensation rating for service-connected disabilities
8 as certified by the department of ~~veterans~~veterans' affairs for the purpose of applying
9 for a property tax exemption. An unremarried surviving spouse who is receiving
10 department of veterans' affairs dependency and indemnity compensation receives a
11 one hundred percent exemption as described in this subsection.

12 **SECTION 4. AMENDMENT.** Subsection 1 of section 57-40.3-04 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 1. Any motor vehicle acquired by, or leased and in the possession of, a resident disabled
15 veteran under the provisions of Pub. L. 79-663 [38 U.S.C. 3901] ~~or, a resident~~
16 disabled veteran who has a one hundred percent service-connected disability as
17 determined by the department of ~~veterans~~veterans' affairs, ~~or a resident disabled~~
18 veteran who has an extra-schedular rating to include individual unemployability that
19 brings the veteran's total disability rating to one hundred percent as determined by the
20 department of veterans' affairs who registers, ~~or is eligible to register,~~ the vehicle with
21 a distinctive license plate issued by the department of transportation under
22 subdivision j of subsection 2 of section 39-04-18. An unremarried surviving spouse
23 who is receiving department of veterans' affairs dependency and indemnity
24 compensation retains the exemption of the deceased, qualifying veteran in this
25 subsection.

26 **SECTION 5. EFFECTIVE DATE.** Section 3 of this Act is effective for taxable years
27 beginning after December 31, 2010.